

FIRST REPORT

FROM THE

COMMITTEE appointed to
enquire into the State of the
Trade to *NEWFOUND-*
LAND.

Ordered to be printed 26th March 1793.

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THE COMMITTEE appointed to enquire into the State of the Trade to *NEWFOUNDLAND*, and to report the same, as it shall appear to them, to the House; and who were impowered to report their Proceedings, from Time to Time, to the House;

HAVE, in pursuance of the Order of the House, proceeded to examine several Witnesses, the Substance of whose Evidence is as follows;

Your Committee called Mr. WILLIAM NEWMAN; who, being examined, said, That he lives at Dartmouth, and was a Merchant, trading to Newfoundland.—And being asked, What was the present State of the Trade from Newfoundland to England? he said, The Trade had decreased considerably, both in Ships and Men from Great Britain; from the Port of Dartmouth Thirty-one Ships; from Plymouth Fourteen; from Weymouth Three; from Wick in Cornwall Three; and from Exeter Thirteen; also several Ships less from Penzance, Falmouth, and Bristol: That it has been decreasing these Four or Five Years; that the great Decrease was from 1788 to 1791; the last Year he has taken is 1791: That the general Decrease of the Number of Men from Great Britain is, about 3,130; as to Ireland he cannot speak with Certainty, but supposes about 1,500; from Dartmouth 1,400; from Exeter 800; and from Tinnmouth 700.—And being asked, How he formed his Calculation, as to the Decrease of Men? he said, It was governed in a great Degree by the Information he had received from the Custom Houses, and confirmed by his own Observations and Knowledge of Ships, which he knows are deficient, and from the Number of Men that have not of late Years gone to Newfoundland as Passengers on the Fishery: That there was a Boat

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Fishery carried on in the Island of Newfoundland by People from Great Britain, who went out as Passengers in the Spring of the Year, and returned to England again in the Fall; that their Number was reduced to nothing, or near it, and that Decrease commenced about the Year 1777 or 1778; that he spoke within Compass when he said, that of this Class of People their Number must have exceeded (including the Shore Men) upwards of 1,500; that there were a few left, but they could not possibly stand it Two Years longer.—And being asked, Whether that Number (1,500) of Persons stated by him to have been employed in 1777 or 1778, in the Boat Fishery, included all the Persons at that Time employed in that Fishery, as sent out from all the Ports of the Island? he said, From the Ports of Exeter and Dartmouth only, and their Members.—And being asked, Whether there is any Boat Fishery carried on from any other Port in Great Britain? he said, He did not know.—And being asked, Whether the Boat Fishery by Residents in Newfoundland had increased in Proportion as the Boat Fishery from Dartmouth and Exeter had decreased? he said, The Resident Boat Fishery had increased considerably, and is increasing, from the natural Increase of Inhabitants.—And being asked, What he meant by Passengers? he said, The Passengers are People living in England, who proceed to Newfoundland Yearly on that Boat Fishery; Masters, with their Servants; Three-fourths of them are Seamen.—And being asked, What Proportion of Green Men are carried in each Boat? he said, One Green Man in every Six, and One other that has been only One Voyage before.—And being asked, Whether the Increase in the Number of Residents had not arisen from the Passengers not being brought back to Great Britain? he said, He conceived not, but from the natural Increase of the Inhabitants.—And being asked, If he meant to say that the Quantity of Fish caught in Newfoundland by the Residents and Non-residents is less than it was in 1777 and 1778? he said, He thought so.—And being asked, If there was any Boat Fishery carried on from Ireland? he said, The Employers from England had always a certain Number of Men from Ireland, to be in their Boat Fishery at Newfoundland; that, to take the Average of the Fish caught during the Years of Peace, from 1771 to the present Year, there will be found a Deficiency.—And being asked, Whether, upon an Average of Years, the Fishery has been less, during the last Peace, than in the former Peace? he said, Certainly it had.—And being asked, Whether there was not a very extraordinary Quantity of Fish caught in 1788? he said, There was a very successful Fishery indeed, as to the Quantity.—And being asked, Of what Quality was that Fish? he said,

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Of a thin lomy Kind, and of an inferior Quality, which could not be so well preserved by Salt.—And being asked, Of what Consequence is the Quantity of Fish caught to the Trade? he said, It depends on the Quality of the Fish, and the Price it will fetch Abroad, so far as relates to the Exporter of the Fish from Newfoundland.—And being asked, Whether the Season of 1788 was not very unfavourable for curing Fish? he said, He never heard that it was; the Badness of the Fish proceeded from the Quality of the Fish when caught.—And being asked, Whether there was not a very extraordinary Number of Ships employed in 1788, as compared with the Years preceding and succeeding? he said, Compared with the succeeding Years, yes; compared with the antecedent Years, he never heard it was.—And being asked, If he knew what was the Number of Ships employed in 1788? he said, He could not say with Certainty as to the Number, unless he referred to the Account.—And being asked, If he recollected what was the Number of Ships employed in 1787? he said, Not without Reference to the Account in which he made up the Decrease he had spoken of.—And being asked, If any Memorandum he had by him enabled him to state, that in the Two Years preceding 1788 there were actually as many Ships employed as in 1788? he said, The Memorandum that he had with him enabled him to speak of the Decrease of the Ships from 1787 or 1788, and the Number of Men.—The Question being repeated, he said, No; not without Reference.—And being asked, From what Authority he stated the Number of Ships employed in 1788, and the Years preceding and succeeding? he said, He meant all the Ships sent out from every Port of Great Britain; that he stated it from the Government Returns.—And being asked, Whether all that he knew upon that Head was not from the Government Returns? he said, It was.—And being asked, If our Merchants caught any and what Fish in that Part of Newfoundland where the French have a Right to fish? he said, They did; but he did not know the Quantity.—And being asked, If they did now? he said, They do not.—And being asked, For what Reason they do not? he said, For Fear of the Boats and Ships being taken from them by the French.—And being asked, Whether the People of Dartmouth hire as many Charter Ships for this Trade as they used to do? he said, They do not.—And being asked, Whether they employ more Vessels of their own? he said, They do not hire so many Charter Ships as they did; and he had before said, that they employ Thirty-one less than before.—And being asked, Whether the American War affected the Boat Fishery? he said, It affected the Bank Fishery, but not the Boat Fishery; it most probably increased

creased by it.—And being asked, Whether in the Thirty-one Ships he had stated to be the Decrease from the Port of Dartmouth were the Chartered Ships included? he said, He knew of no Chartered Ships in that Calculation; if there were any Chartered Ships they would be included, but in general Chartered Ships are commissioned from London.

Mr. Newman stated to the Committee, That the Facts before alluded to by him, in respect to Exeter and the Ports Westward of it, he stated from his own Knowledge: When he stated the Decline of the Trade in general, he did it from Papers which had been laid before the House; and having seen different Statements on that Head, he confused One with the other, not having his Memorandums he had made from them with him.

Then the Witness informed your Committee, That from the Year 1771 to 1774, both inclusive, the Annual Average of those Four Years was 565 Ships, including all Sorts of Ships—of Men 5,494—Passengers from England and Ireland 6,734.

That he took into his Calculation the Average of the following Years of Peace, after the War, beginning at 1784 to 1791; viz. the Annual Average of Ships is 480, of Men 4,475, of Passengers 4,662.—And added, That these Averages, though just, do not, or cannot give a true Idea of the Decrease of Ships or Men, for the following Reason, That the Fishery, since the last War, had its regular Rise, and has since declined, though still in a State of Peace; therefore the true Account of the Decrease of Ships, Men, and Passengers, must be from the comparative View of 1771 and 1791, which proves the Difference of Ships to be 140; of Men 2,212; of Passengers from England and Ireland, and Jersey, 4,001; that he conceives to be the Decrease of the Trade from Great Britain and Ireland since 1771.—And the Witness being further asked, Whether the Merchants that carry on the Fishery are in a flourishing Situation? he said The Merchants carrying on the Fishery from Great Britain have lost considerable Fortunes, at Bristol, Dartmouth, Falmouth, Weymouth, Plymouth, Penzance, and Exeter Port; that a great many have been Bankrupt to the Amount of £. 178,000, as he calculates; he does not include the Money that has been lost by the Trade, as great Numbers have lost considerable Sums, but are still in a State of Solvency, therefore cannot speak with any
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great Exactness to what Amount it may be.—And being asked, Whether he knew of any Bankruptcies previous to the Act of the 15th of George the Third? he said, But of One before that.—And being asked, If these Bankruptcies had arisen from any Extravagance in the Merchants themselves, or from the Circumstances of the Grievances which the Fishery labours under? he said, He knew of no Extravagancies that they were guilty of, their Losses were occasioned by the Trade and Fishery which they carried on, which Trade and Fishery laboured under Oppressions and Burthens, which if continued must in the Course of Time have the same Effect upon all those whose Trade and Fishery are entirely from Great Britain and Ireland to the Island of Newfoundland.—And being asked, Whether any Persons whose Capitals are acknowledged to be considerable are retiring from the Trade? he said, He could speak for himself, that he wishes to retire, and would sacrifice the Tenth Part of his Fortune to be out of it; that he had heard several Gentlemen in the Trade speak of retiring; and he believes that every Gentleman in the Town of Dartmouth concerned in the Newfoundland Trade would quit it immediately, could they get rid of their Ships, Effects, and Stores at a Loss.—And being asked, Whether there is less Fish caught at Newfoundland? he said, He could not speak with Certainty.—And being asked, If it sold for a less Price at the Foreign or Home Market? he said, No, he believes they are much the same, there is a Fluctuation of Market Price.—And being asked, Whether a moderate Quantity of Fish caught does not answer as well, both to the Merchants and Fishermen, as an excessive Quantity? he said, It answers better, for where there is a Scarcity of Market Abroad the Seller commands the Price; when a large Quantity, the Purchasers command the Price.—And being asked, Whether the Demand in Foreign Markets has decreased since the Peace? he said, He believes not.—And being asked, If many Ships have not come Home empty in the last Two Years? he said, Several small Vessels have come Home without any Thing but Ballast.—The Witness having said that the Trade was on a Decline, he was asked, Whether he knew of any Burthens on the Trade, to which he could attribute that Decline? he said, he attributed the chief Part of that Decline (speaking of the Trade from England and Ireland to Newfoundland) to an Alteration which took Place in the governing Laws of Newfoundland, by an Act passed in 1775, which was carried into Execution in 1776 (Act of the 15th of George the Third); there are Clauses in that Act which press so hard upon the Employers, that in general it is not possible for such whose sole Trade and Fishery is from this Country to Newfoundland

land to carry it on without a certain Loss.—And being asked, When was the Effect of those Clauses felt? he said, Some of them not immediately on the passing of the Bill, nor within Three or Four Years afterwards, from the Servants not being acquainted with the Clauses of the Bill.—And being asked, Whether he meant, that after Three or Four Years it did operate? he said, It operated most powerfully on the Trade; the more generally the Clauses became known, its Effect was greater.—And being asked, Whether that was not in Time of War? he said, It was.—And being asked, What were the Clauses? he said, The First Clause is a Penalty upon Fishermen and Seamen absenting themselves from their Employers without Leave; that it gives such Encouragement to Idleness, that the Servant may chuse whether he will work or not in the Time of the Harvest of the Fishery, and may, at an Expence to himself of a few Shillings, injure his Master in the Sum of £. 200, and the Seamen may detain the Ship in the Harbour, when ready for Sea, to the great Detriment of the Voyage.—And being asked, If he, in Point of Fact, knew that the Servants or Seamen availed themselves of that Power? he said, He had known it in several Instances.—And being asked, In how many, or was it a very general Custom? he said, He believed it has been very frequent for the last Eight Years past.—And being asked, If he knew of any particular Ship which had been so detained? he said, He had had Vessels of his own detained from the Men absenting themselves from their Duty; that a Vessel of his had been detained by One Man absenting himself from his Duty, that Man being a Splitter.—And being asked, Would not that equally have been the Case if that Clause had never been enacted? he said, He believes not, for he never knew it happen before that Act passed.—And being asked, In what Manner did he think the Clause produced that Effect? He said, From the Men not being responsible by Law for the Damage they do the Master.—And being asked, How were they responsible before that Act? he said, By being subject to the Law that then governed the Island of Newfoundland by the Statute of the 10th and 11th of William the Third.—And being asked, To what Punishment were they liable by that Law? he said, That, he presumed, lay with the Fishing Admirals to judge, but he never knew an Instance of its being tried, the Fact having never been committed to his Knowledge.—And being asked, Of what Description of Persons were the Fishing Admirals? he said, The Fishing Admirals are the Masters of the Three First Ships that arrive at each Port in Newfoundland, properly cleared out from Great Britain.

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The Second Clause which the Witness objects to, is all the Fishery Oil liable to the Payment of Wages. By the Operation of that Clause, the Servants, after they have caught Fish and Oil enough to pay their Wages, have relaxed in their Industry, to the Injury of their Employer, and the Merchant who has credited that Employer, either in England or Newfoundland; and that Clause has entirely done away the Confidence that was before placed by the Merchant in the Boat Keeper, and has had a very great Effect upon that Branch of Fishery.—And being asked, Whether before the passing of that Act the Fish and Oil were not liable in the first Instance to the Payment of the Seamen's Wages? he said, They were not liable to the Payment of the Servants Wages, any more than to the Merchant who had supplied the Boat Keeper; they were liable in general to all Demands.—And being asked, Whether he had, in Point of Fact, known the Men relax in their Industry after they have caught Fish and Oil enough for Payment of their own Wages? he said, He had known many Instances, and he stood himself a Sufferer to a very considerable Amount, from being obliged to pay the Servants of the Boat Keeper more Money than the Value of the Fish and Oil, which he received from him, with the Loss of the Advance that he had made him to carry on his Voyage.—And being asked, If he had known other Merchants make the same Complaint? he said, He had known many Merchants and Boat Keepers do so.—And being asked, Whether that Regulation applies equally to the Resident Fishery, and to that carried on from Great Britain? he said, No; the Resident Fishery is in general carried on by the Natives with their Families; the Fishermen in the Boat are a Part of that Family; and the Fish is cured, when brought on Shore, in general by their Wives and Children; that he supplies himself One hundred Families of that Description in Newfoundland, at Conception Bay, who have not One Servant belonging to them; if they had, he would not trust them with a Shilling, having suffered so much by a Trust where there were Servants, and in that very Bay. In general the Resident Fishery is carried on by those who have a common Concern, and who have lien on the Fish and Oil for Payment of Wages.—And being asked, Whether, where the Fishery is carried on by Shares, does any Inconvenience follow from that Clause? he said, He should suppose not to the Merchant.—And being asked, Whether those Fishermen had any Servants before the passing that Clause? he said, They had, and some Time after, until the Merchant, from the bad Effects which he felt from the Operation of the Clause, withdrew

withdrew his Confidence; that he did send Orders out not to trust any Man who had a Servant.

The next Clause the Witness objects to is, that any Part of Newfoundland (not in Use) may be used for curing and drying Fish. The Effect it has is this: It takes from the Boat Keeper, who at an Expence of Labour may have cleared away a Place for his Fishery, or may have bought that Place, in case of Accident of Fire with an Inability on his Part immediately to build it again, what he had always looked upon as Property, and which after his Strength would not permit him to carry on that Fishery, if he could not immediately set it out to a Tenant, it became Property to any Person who chuse to occupy it; and it is for the Benefit of the Fishery that the Fishing Rooms should be, what they were always considered to be, Property. There are in every Harbour of the Island of Newfoundland Spots of Ground which are open to any Adventurer who may chuse to build upon them, coming qualified according to Law, and these Places are in general in the best Situations for curing Fish, and were reserved from the Beginning for that Purpose; these Rooms are called Ships Rooms. That he does not know that that Clause has operated to any Degree worth mentioning, which he attributes to the general Odium that would fall on the Man that should avail himself of it.

Mr. JOHN JEFFERY being examined, was asked, Whether he was deputed by the Merchants at Poole to attend your Committee? he said, He was last Year, and it not being since withdrawn, he apprehends he has Power to act from them.—And being asked, Whether the Purport of his Deputation was to give Evidence on the Subject Matter of the Petition presented last Year from Poole? he said, Certainly, yes.—And being asked, Whether the Deputation had been renewed this Year? he said, If it has it is without his Knowledge.—And being asked, Whether he thought that the Trade from this Country to Newfoundland is in a declining State? he said, He does.—And being asked, If he was present when Mr. Newman of Dartmouth was examined upon that Head? he said, He was, the greatest Part of the Time.—And being asked, What were his Reasons for stating the Trade to be on the Decline? Mr. Jeffery produced to your Committee a Paper, and said, It was a Deputation which he received from Poole, March the 7th, and which he understands was drawn up
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and signed only the Day before; and that by having sent the Gentlemen of the Trade a Copy of his Statement and general Opinion of the Nature and Situation of the Fishery at Newfoundland, he had every Reason to believe it met with their Approbation.

The said Statement is as follows: " Till Yesterday I was perfectly ignorant in what Way the Enquiry which is the Object of this Committee was to be conducted—I am by no Means prepared to enter into a minute or particular Statement of the Newfoundland Trade founded upon Calculations, nor am I qualified by any authentic Documents to draw a Comparison between its present State and that in which it has subsisted for some Years past; but having carried on an extensive Concern in that Trade for about Twenty-two Years, and having during that Time been conversant, and on the most intimate Footing with most of the Gentlemen engaged in it, the most interesting Circumstances respecting the Trade, and the Advantages as well as Disadvantages with which it is attended, have fallen under my Notice. I would beg Leave to preface what I have to say, with stating, that in my Opinion it is a Branch of Commerce highly important and most invaluable to Great Britain, not only as a very considerable Nursery for Seamen, but as it affords a Consumpt for the Growth, Produce, and Manufactures of this Country, to the Amount of not less than Half a Million Annually.

" The Fish caught in this Trade is sent to Foreign Markets, namely Spain, Portugal, and Italy, and the Returns I judge to be nearly $\frac{1}{2}$ ths in Specie, or in Bills of Exchange: Such a Trade is surely well worth the highest Attention and Encouragement of the Legislature; and ought at least to be freed from every Species of Difficulty, Burthen, or Impediment. The Cod Fishery is chiefly carried on by Two different Modes:

" 1st. That on the Banks, where smaller Vessels are employed. These make Three or Four Trips in the Season, generally laying at Anchor for Three Weeks or a Month together. Immediately after having caught the Fish they salt it, and when they have completed their Cargoes, land it in order to be cured and dried, and return to the Banks in Quest of a fresh Supply.

" These Vessels take from Seven to Fourteen hundred Quintals of Fish each during the Season. But this Fishery is only
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“ carried on at St. John's, Northerly as far as Trinity, and to
 “ the Southward as far as Trepassey.

“ 2d. By the Boats. These Boats are of different Sizes, and
 “ are manned by the Crews and Passengers of Vessels of every
 “ Description, which go from this Country for the Purpose of
 “ the Fishery. The Vessels themselves are laid up, and left, many
 “ of them, with only a Boy to take Care of them, during the
 “ Fishing Season; so that the Whole, except that before de-
 “ scribed, which is carried on by the Bankers, is totally a Boat
 “ Fishery. The Question then of Residence, or not, is of little
 “ Consequence. The Merchants may be generally regarded as
 “ the principal Parties concerned, as they supply the resident
 “ Boat Keepers with Fishermen, with Provisions, with Cloath-
 “ ing, and with Implements for the Fishery, in the same Manner
 “ as if the Concern was entirely their own, and receive in Return,
 “ as Payment, the Produce of the Voyage. Here it may be
 “ urged that the Encouragement of this Resident Fishery may
 “ lead to its becoming a Colonial Settlement. Of this there can-
 “ not be the smallest Danger. Independently of this Country,
 “ or some other, no Trade or Fishery can be carried on in New-
 “ foundland, the very Idea is absurd; a certain Number of People
 “ must necessarily remain there during the Winter Season, to
 “ prosecute the different Employments of the Seal Fishery, a
 “ Concern of considerable Importance, of the Fur Trade, of
 “ building Ships, Boats, erecting and repairing the Plantations,
 “ Houses, Wharfs, Fishing Stages and Flakes, and preparing
 “ for the ensuing Fishing Season. In order to prove the
 “ Necessity of this Residence, I beg Leave to refer you to the
 “ Restrictions imposed upon the French, by the Treaty of
 “ Utrecht, which were by them considered as Matter of great
 “ Hardship; now as these Restrictions, which required them to
 “ remove every Thing at the End of the Season, were imposed
 “ only with a View of obstructing and defeating their Trade,
 “ and were indeed found to have the Effect, what can more
 “ clearly shew the Impolicy of adopting any such Restrictions
 “ with respect to ourselves? The Moment that the French ob-
 “ tained a Settlement, they immediately availed themselves of
 “ the requisite partial Residence during the Winter Season for
 “ the Purposes before described, and without which indeed that
 “ Fishery cannot be carried on. The Suggestion that the Trade
 “ could at all have been carried on without a Residence, could
 “ only have arisen from Ignorance or Misrepresentation. Ano-
 “ ther Circumstance well worth the Attention of this Ho-
 “ nourable

"nourable Committee, is the particular Hazard at which this Trade is carried on. In the First Place, in order to embark in it, a very great Capital is necessary; the Risque is increased by its being conducted at so great a Distance from Home; the Plantations and Utensils for the Fishery, which are purchased at a great Expence, are only valuable for the immediate Purpose of carrying on the Fishery.

"And though it may be allowed that Fortunes have been made by Persons engaged in the Trade, the Fruit of their Labours and Industry, yet when the above Considerations are taken into View, this is surely by no Means a Reason why the Trade should be clogged by new Impositions and additional Burthens. It ought rather to be encouraged by every Species of Indulgence, since in this Case the Benefit which the Individual receives ought likewise to be considered as a Public Advantage.

"The Necessity for Encouragement becomes still greater, as even now, in my Opinion, the Trade cannot be carried on with any Success proportioned to the Risque with which it is attended; that the Fishery has been hitherto kept up to a certain Extent, is by no Means a Proof of the contrary of what I assert, nor does it establish that the Trade upon the Whole is advantageous.

"This Extent has, in a great Measure, been kept up by Speculators and Adventurers of various Sorts, who on the One Hand have preyed on the Ignorance and Credulity of Monied Men at Home, and on the other have introduced Luxury and Dissipation among the Settlers at Newfoundland; so that, far from serving the Interests of the Trade, they have proved its real Nuisances. A constant Succession of these, while they have given to the Trade an Air of apparent Prosperity, have brought many to the Brink of Ruin, and deceive those who only looked at the Trade in a speculative Point of View. However lucrative the Trade may appear, I will venture to assert, that there is no Species of Speculation so precarious or full of Danger to those who have not been properly trained to it. The Quantity of Fish caught during a successful Season ought by no Means to be considered as a true Criterion of the Prosperity of the Trade. The Profit of the Merchant depends materially upon the State of the Markets; and in this Point of View a less successful Season may be more productive than when a larger Quantity of Fish is caught. I would therefore

"beg,

“ beg, that the Papers and Documents produced of the State of
 “ the Fishery may not be considered as a Criterion of the Prof-
 “ perity of the Trade. Unsuccessful Voyages and bad Returns
 “ for Two or Three Years together would entirely ruin the spe-
 “ culative Adventurer. It is the stationary Merchant only who
 “ is able to follow out his Pursuits, neither elated by temporary
 “ Success, nor depressed by partial Disappointments. With re-
 “ spect to the Regulations and Principle of the Legislature of
 “ Newfoundland, every Person who has attended to that Subject
 “ must have reflected with Pleasure on the glorious Acts of King
 “ William and Queen Mary; Laws wisely calculated to promote
 “ the Interests and Success of that Trade, and the only Laws ne-
 “ cessary for that Purpose.

“ But from mistaken Views, and Want of more real Ac-
 “ quaintance with its true Interests, new Regulations and Re-
 “ strictions have been imposed by the 15th of the King, which
 “ have been found to be of the most pernicious Tendency; so
 “ much so, that in Practice they have been generally disregarded,
 “ and never enforced except from Necessity.

“ I am ready indeed to allow, that hitherto, generally speak-
 “ ing, the Traders at the Out Ports have not so much experien-
 “ ced the Burthen and Inconvenience of these Regulations, as
 “ those at St. John's and the Neighbourhood, who have had
 “ greatest Reason for Complaint; yet we find Innovations daily
 “ increase, and Encouragements for Litigation gain Ground;
 “ and should the Bills proposed last Session of Parliament pass
 “ into Laws, I will take upon me to assert that the Trade in that
 “ Case cannot possibly exist.

“ Although, as I stated in the Outset, I am very unprepared
 “ at present to enter into the Proof that may be necessary to con-
 “ vince the Honourable Committee of the declining State of the
 “ Trade; yet I can assert it as a Fact, and that it has for se-
 “ veral Years been carried on with great Caution and Reserve,
 “ not to say with a Degree of Languor, by the regular Merchants
 “ and Men of Property.

“ The Appearance of its Extent has principally been kept up
 “ by those desperate Adventurers who have rendered the Pockets
 “ of the Ignorant and Credulous subservient to their wild and
 “ ruinous Speculations. I speak on the present Occasion from
 “ the most disinterested Motives, as I am resolved to quit the
 “ Trade

“ Trade as fast as possible, from a Conviction of its present Evils,
 “ and from Apprehension of those still worse Consequences
 “ which may result from Political Changes with respect to a
 “ Trade attended with so much Risk, and carried on at so great
 “ a Distance from Home.

“ The Information by which the Legislature has been guided,
 “ I doubt not, animated with the purest Motives in passing
 “ Laws and Regulations for the Government of Newfoundland,
 “ has come through the Channel of the Official Gentlemen who
 “ have been in that Country. But I trust that my Freedom will
 “ be excused, when I affirm that it is impossible for such Gen-
 “ tlemen, from so short a Residence as they make, to form a com-
 “ petent Judgment of the real Interests of the Trade, or the
 “ Regulations proper to be adopted. Besides, they generally
 “ reside at St. John's, where the Mode of carrying on the Fishery
 “ is very different from that which prevails at the Out Ports; and
 “ even there I believe it will be found that the Fishery has, from
 “ various Causes, considerably decreased.

“ Among these Causes may be reckoned the prejudicial Regula-
 “ tions which have been established, and the Luxury and Dis-
 “ sipation which have been introduced. Of that which has
 “ been carried on at the Out Ports, the Official Gentlemen can-
 “ not form any competent Idea.

“ Mr. Reeves will indeed perhaps tell you, that last Summer
 “ he visited some of the Out Ports; but without throwing any
 “ Reflection upon that respectable Gentleman, I am sure that he
 “ does not pretend, in consequence, to have acquired any material
 “ Insight into the Nature of the Fishery. A Fishery, in my
 “ Opinion, is that Branch of Commerce, which not only requires
 “ every Attention and Encouragement, but will not admit of the
 “ smallest Impediment or Obstacle; and I deprecate, as fatal to
 “ the Interests of the Trade, which I have deeply at Heart, the
 “ Establishment in any Way of Courts of Judicature, which may
 “ introduce the glorious Uncertainty of the Law, and make
 “ Room for troublesome and litigious Men to get a Footing
 “ among the Inhabitants.

“ Insinuations may probably have been employed against the
 “ Characters of the Newfoundland Merchants, in order to do
 “ away the Authority of their Testimony; yet I may venture to
 “ assert, that they are, generally speaking, Men of as much Sterling
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“ Honour,

„ Honour, Liberality, and conscientious Principle, as any Profession can boast. I beg that this Information may have its Weight; and be considered in its true Point of View, as intended to promote the Benefit of One of the most valuable Branches of Commerce of this Country. This Object, which I have so much at Heart, I beg to repeat, is only to be effected by allowing the Trade to be carried on free from its present Clogs and Impediments, instead of loading it with new Burthens and Restrictions, while at the same Time Precautions ought to be taken to guard against the dishonest Adventurer, by subjecting every Species of Fraud and Villainy to the most severe and rigorous Punishment. I sincerely wish that the Trade may long continue to be an useful Branch of Commerce to Great Britain, but I am afraid that it has already seen its best Days. Many are the Dangers which in my Opinion threaten its Existence, but I trust and hope that they may yet, if possible, be averted. This is an Opportunity, and I judge it will be the last, when the Trade will be so impartially considered; and allow me to suggest, that its future Prosperity (so far as relates to the Mode of Government) will depend on your Report to the Honourable House of Commons.

“ These Ideas I have thrown out in Order in which they struck my Mind, and as they were suggested by my Zeal for the Welfare of the Trade, uninfluenced by any Motives of Party or of Interest, I have brought them forward with more Confidence, as I am persuaded they coincide with the Sentiments of the Generality of those who are embarked in the Trade, and who from Experience may be supposed to be best acquainted with its Interests.”

Mr. JEFFERY being further examined, was asked, What are the Clauses in the Act of the 15th of George the Third to which he objects? he said, That of the Fourteenth Section, by which the Employers are, under a Penalty, obliged to pay the Fishermen, &c. One Half of their Wages, and the other Half in Bills, &c. at their Return Home. His Reasons are, That in shipping those People, before they leave England, that the supplying them with Clothing and Necessaries for the Fishery amounts in general to One Third of their Wages, besides the Consideration of a great Number of them being paid a Maintenance and Support of their Families during their Absence; and that it will not admit the Payment of their Balance of One Half of their Wages at their Return.

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The Sixteenth Section, That all Fish and Oil taken shall be liable to the Payment of Wages of Seamen and Fishermen. He wishes to observe, That in very many Instances the Employers have been and are always subject to great Impositions and Losses by the Negligence and wilful bad Behaviour of the Servant, and so as sufficient Fish is caught to pay those Wages, the Employer is liable to a Want of the full Performance of the Servant to such Duty.

The Seventeenth Section, For laying a Penalty on Seamen or Fishermen absenting themselves from their Employers without Leave. That at a hurried Season of the Fishery a single Day's Absence from One of the Fishermen may keep the Boat or Vessel from going at all to Sea, and that the Two Days Pay for such Neglect is by no Means a Compensation for the Loss of Duty that the Employer may incur.

The Thirty-fifth and Thirty-sixth Sections, That the Duties on Goods exported or imported into Newfoundland shall be under the Management of the Commissioners of the Customs in England; and that Deputations granted by Commissioners for North America, before January the 1st 1776, to any Officers for Newfoundland, to be in Force. He does not see any good Reason, or of Service to the Revenue of this Country, by the Establishment of a Custom House there; but that if it is thought necessary for a Custom House to be established, let the present high Fees now demanded and paid be taken off; and if it should be adjudged, that to prevent Fraud, or any Sort of illicit Trade, or for any Public Good whatever, so as that we are not at the Expence of paying such exorbitant Fees, the Trade will be perfectly satisfied: It was in the Year 1764 that a Custom House was established on the Island of Newfoundland, when only the Payment of Two Shillings and Six Pence for every Fishing Ship, duly and properly qualified, going from Great Britain or Ireland, was demanded or paid, and this was confirmed by the Statute of the 15th of George the Third, Sections 7 and 8; and he submits to Consideration, in any new Regulations that may now be made, whether any more than that Fee was at that Time intended to be demanded for such qualified Fishing Ship, or if it is a Claim legal to the present Day; and that though such Fishing Ships may carry Goods, Provisions, Clothing, and Implements for the Fishery, in their Voyage out to Newfoundland, that such Ships may still be deemed Fishing Ships, and not subject to any other Fee. He conceives the perfect Inutility of a Custom House for the Purpose of
extending

extending Fees, it answers no other Purpose than for the Encrease of Fees, a Naval Officer being fully adequate to every Purpose for preventing Fraud by illicit or contraband Trade: Till of late Years there have been no other Officers but the Naval Officer and Comptroller; and it may be said, that in most Instances there are no more Persons at the present Time, as all the Offices are consolidated in one: And he submitted to your Committee, whether, by an Investigation of the Returns of the Custom House Officers from Newfoundland, the Income of the Revenue arising from the Duties for Goods imported into the Island have been sufficient to pay the Salaries of the Custom House and other Officers.—There have been in many Instances Seizures made on Ships and Property, most of whom have been more the Effect of Misfortune, and not Frauds intended, and may be deemed to be real Misfortunes, which may in some Measure serve to fill up the Catalogue, and to shew that there is an Opening for more illicit Fraud and Smuggling than he thinks the Situation of Newfoundland may admit; and that there are several Articles which are prohibited, and Duties chargeable on them, yet they are very few that the Trade of Newfoundland requires, and if left quite open would not be worth while for the Establishment of Custom House Officers, or answer the End of the Revenue in preventing it, but for which, and every other Purpose of the Kind, a Naval Officer at each Port would be fully sufficient; and he conceives that every Duty laid on Articles of whatever Kind, intended for the Fishery of Newfoundland, is a Burthen and a Discouragement to that valuable Branch of Commerce.—And being asked, Whether there had been any Bankruptcies at Poole lately? he said, There have been several, and those People were concerned in the Newfoundland Trade.—And being asked, How was the Fishery from Poole carried on? he said, Generally by Merchants who have Establishments on the Island of Newfoundland, namely, Plantations and Conveniences for carrying on the Fishery to a considerable Extent, and Property to a very large Amount, employing mostly Ships of their own, and such are principally built in Newfoundland; a great Number of Men must necessarily be kept and employed there during the Winter Season, to prosecute the different Employments of the Seal Fishery; sending also from Great Britain and Ireland Supplies of every Kind, together with Men for the Prosecution of that Fishery.—And being asked, Whether there are a Number of Bye Boat Keepers in Poole or its Neighbourhood? he said, Very few, if any.—And being asked, If he remembers any Bye Boat Keepers in Poole and its Neighbourhood? he said, Yes.—And being asked, What Number? he said,

said, No great Number.—And being asked, What Proportion of Fishermen and Seamen now go from Poole? he said, He believes about a Fourth Part of the Trade to Newfoundland.—And being asked, Whether any Number of Passengers go from and return to Poole Annually? he said, A great many; some Concerns carry out nearly the Whole, and return with them every Autumn, and it is the Wish of the Generality of the Merchants to keep no more Men in the Island of Newfoundland than the Interest of their particular Concerns and Employments require; and so far from its being the Desire of the Merchants to incline at all to make that Fishery more a Residence than can be avoided, their Distresses arising from a great Number of Families already on the Island, and which are Daily increasing, calls for the Intervention and Assistance of the Government of this Country to prevent it, and bring them Home; there are few Merchants from the Town of Poole who do not do it Annually.—And being asked, What Quantity of the Fish exported from Newfoundland by the Poole Merchants is caught by the Resident Fishermen? he said, In answering that Question it was necessary to observe, that though the Principal may be deemed a Resident, yet his being supplied with Men, Provisions, Cloathing, and Implements for the Fishery, by the Merchant from Great Britain, it can scarcely be allowed, or ought to fall under the Denomination of a Resident; the Quantity of Fish or Oil caught by the Residents strictly confined, and otherwise than the Description of Men of those he had described, is very trifling indeed, compared with the Whole.—And being asked, Whether the Fish so exported is all caught by Fishermen carried from and returning to Great Britain Annually? he said, Certainly not, for the Reasons which he has before given.—And being asked, Whether it was not the usual Custom of the Poole Merchants to buy Fish of the Residents of Newfoundland? he said, It was not, unless the Committee included the Description of People that he had mentioned to be Residents.—And being asked, If a great Capital was necessary to carry on the Bye Boat Fishery from England? he said, Certainly not.—And being asked, Whether the Produce of the Seal Fishery pays the same Customs as Fish and Oil at Newfoundland? he said, He does not know.—And being asked, What is the Amount of Fees paid by him Annually to the Custom House at Newfoundland? he said, He does not exactly know, but he should suppose about Fifty or Sixty Pounds, and at the same Time nearly the Whole of his Ships go properly qualified with Fishing Certificates from Great Britain and Ireland; and that the Fees for the Generality of Vessels he computes to be from Four

to Seven Pounds per Ship. It may be urged that in this Claim the Charge of Certificates, as Returns for Bonded Goods and otherwise, may be included; but the Fees have been increasing, and he fears will continue to do so, unless they are regulated. A new Charge has lately crept in, for even coming to an Anchor in the Harbours of Newfoundland, he does not know where such Fees are returned.—And being asked, If he found any Disadvantage to the Trade from a Competition with Foreigners at the Markets? he said, Certainly Yes, and that at some of the Markets very considerable Importations have very much injured the Newfoundland Fishery; the French particularly were, prior to the present Stagnation of their Trade, increasing their Fishery very considerably, and from the great Encouragements held out by them under any Consideration he thinks there is great Reason to fear that the Fisheries from that Country, as well as from the United States of America, will ultimately tend very much to injure the Trade and Fishery carried on from Great Britain. In the Year 1791 an Importation of upwards of 20,000 Quintals of French Fish (he understood) were sent to the Port of Alicante in Spain, which Port this Country always till that Time wholly supplied. The Port of Barcelona till of late Years received very considerable Supplies of the Newfoundland Fish, but latterly it has been almost wholly supplied from Norway; was it not for the peculiar Situation of America, by its being at War with the Algerines, he conceived they would supply a very considerable Part of the Fish to the Ports in the Mediterranean; and that as that Country increases in Population, and Labour gets cheaper, it will be a powerful Rival to the Newfoundland Fishery.—And being asked, If he knew whether the French Fishery was subject to any Custom House? he said, He had been informed that it was not, but that on the contrary every Encouragement and Indulgence has been afforded it on the Islands of Saint Pierre and Miquelon, as well as their other Districts.—And being asked, Whether he thought that if our Fishery at Newfoundland had the same Indulgencies which the French have in their Islands, that we should have any Thing to apprehend from their Competition? he said, He thought that at any Rate we have very much to fear from the French, and that in a Course of Time America will rival us.—And being asked, When he supposes the Newfoundland Trade has declined, did he mean that the Fishery on the Whole is less productive than it was on an Average some Years ago, or that the Decline has only taken Place in respect to Shipping and Seamen employed from England? he said, Some Years less, others equal or more.—And being asked, Whether the Fishery as carried on from Poole is less extensive

extensive or less productive than formerly? he said, That Part of the Town of Poole which has carried on the Fishery on the East and North Coast of Newfoundland has, he thinks, been very unproductive and unprofitable; that the South Part of the Coast has been the Reverse, attended with Success, by a greater Proportion of Fish than the other Parts of the Island, at the same Time availing themselves of the good Prices by the general Scarcity.—And being asked, If he remembers any Bankers at Poole? he said, A great Number; since the Peace there may have been about Twenty.—And being asked, If there were any before the American War? he said, Yes; but does not recollect the Number.—And being asked, How many there were now? he said, He does not expect there will be Five from the Port of Poole; there were Ten or Twelve last Year; the Reason of their being less is on Account of the War; the Decrease from Twenty to Ten or Twelve was owing to the Bankruptcies.—And being asked, Were not the Shore Fish more in Request at Foreign Markets? he said, By much; they will not take Bank Fish if they can get Shore Fish.—And being asked, Whether the Shore Fishery was increased in Proportion to the Decrease of the Bank Fishery? he said, He does not know that it is.—And being asked, If he was willing to give up the Bounties, if the Grievances he complained of were removed? he said, Certainly, as far as relates to his own Opinion.—And being asked, What Parts of the Act of the 15th of George the Third had been disregarded? he said, The Fourteenth Clause, with respect to the Employers paying the Fishermen Half their Wages in Bills.—And being asked, How has this Clause been evaded? he said, By not having Complaints made, under the general Idea that they were very improper and obnoxious it had not been generally put in Execution; none of the Clauses which he stated before as burthensome to the Trade have been fully enforced for the before-mentioned Reason; though those Clauses have not been generally enforced, yet they have very frequently.—And being asked, If he spoke to the Whole of Newfoundland, or to the Out Ports? he said, He spoke to the Out Ports; he knows little of St. John's, but by Hearsay Information.—And being asked, If the Thirteenth Clause has been executed? he said, He believes it has been, but in general Cases it was not possible.—And being asked, If he meant that it was not possible to deduct the Forty Shillings? he said, Surely.—And being asked, Why? he said, The Wages of a very principal Part of the Servants who go to Newfoundland, and particularly Green Men, will not allow it, but a very great Number of every Description the Merchant

Merchant engages to bring Home gratis.—And being asked, If he meant that the Forty Shillings were not generally deducted out of the Sailor's Wages, or out of the Supplies furnished to him, or his Family at Home? he said, Not One in Six, to the best of his Belief and Judgment.—And being asked, If a Sailor was left behind upon the Island, were the Forty Shillings deducted from his Wages? he said, He hoped not, he knew of no such Instance, and wherever it is stopped from such Servant, unless it be those whom the Master has his Reason for sending Home, it is his Opinion dishonourable to the Employer, if not a Fraud.—And being asked, If he knew any Thing respecting the Conduct of the Inhabitants towards the Indians? he said, He has heard in many Instances of very inhuman Treatment of Individuals towards them in the North Part of the Island; he thinks it requires Investigation.—And being asked, What he deems a Resident at Newfoundland? he said, He hopes that no other Person should be deemed a Resident at Newfoundland, than the Resident Planter, Natives of the Island, and who do not go and return to England; the greater Part of those, in his Opinion, are not deemed Residents, ought to have the same Privileges with respect to the Dues of this Country; by being supplied with their Goods from the Merchants, they ought not to be deemed Residents.—And being asked, If he deems those Fishermen, who return to England in a Course of Two or Three Years, as British Fishermen? he said, He thinks they ought.

Mr. NEWMAN being again examined, said, That the Clause which establishes the Custom House, in the Act of the 15th of George the Third, subjecting the Trade to Fees of Office, is certain and fixed Expence, and is so considerable in itself as to take from the Employer carrying on the Trade and Fishery to Newfoundland (from the best Calculation the Trade can form) a full Ten per Cent. on the Annual Interest of the Capital employed, or in other Words, equal to Two Shillings in the Pound on the Yearly Interest, calculating it at Four per Cent. The Statement is made by the Trade as follows:

Ships and Merchandize are set down at £. 500,000. The Annual Interest at £. 20,000. And the Fees demanded and taken by the Officers at £. 2,000. The Calculation of Fees is made from the Number of Vessels, and from what the Merchants have Individually paid in Proportion as the general Trade of the Island is to
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the Trade carried on by them. Before the passing of the said Act, the Trade and Fishery to Newfoundland had been carried on for upwards of Two hundred Years, and was always protected from all Fees of Office, except that of Half a Crown paid to the Naval Officer.

In an Act of the 2d and 3d of Edward the VIth, Chapter 6th, there is a Clause to forbid the Officers of the Admiralty from taking Fees for Ships going out to Newfoundland, and in an Act of the 15th of Charles the II^d, Chapter 16th, it is expressly said, " That no Person or Persons whatsoever do collect, levy, or cause to be levied, or taken in Newfoundland, any Toll or other Duty of or for any Cod or Poor John, or other Fish of English catching." The Protection which the Revenue had to prevent Smuggling, if such a Thing could be, was in the Person of a Naval Officer, who resided in the different Harbours where the Trade was carried on; the Ships on Arrival made their Entries to his Office, and the same on leaving the Island—the Fee was Half a Crown for each Ship, and if the Master chose to take a Bill of Health, he gave him Five Shillings, but it was optional with the Master to take the Bill of Health or not.

In the Year 1761 or 1762 the Merchants trading to Newfoundland informed Government, that the Irish had introduced, by some Means or other, coarse Woollens, Shoes, Candles, and Soap, which were then prohibited. In consequence of which Information, a Gentleman was sent out, of the Name of Hamilton, under the Denomination of Collector, but he received no Fees. After Mr. Hamilton a Mr. Dunn succeeded, who did make a Demand of Fees from the Trade—some few paid it, but the greater Part refused; he himself paid none, though he had from Six to Ten Ships Annually at the Port. After the passing of the Act of the 15th of George the Third the Right of Fees being established by that Act, Fees were then demanded, and they were paid by the Trade, the Trade making a continued Application to the Treasury for Relief.

The Duty now done by the Collector, Comptroller, and Surveyor was, as far as it respects the Revenue, performed before the Establishment of the Custom House by the Naval Officer. There are in the Island of Newfoundland a great many Harbours where the Trade and Fishery is carried on, in a great Number of which, and where there is a Trade of Ships, &c. there is no Officer whatever of the Customs; but yet the Fees are paid to the Officer residing

at a different Port.—All Ships discharge their Cargoes without any Officer of the Customs of any Description, to see that the Cargo corresponds with the Entry at the Custom House, or when the Ship takes her Cargo in to see that the Lading corresponds with the Goods cleared out. The different Offices of Collector, Comptroller, and Surveyor, are in a great many of the Harbours where the Trade and Fishery is carried on, in the same Person; and this Person, Deputy to the Principals residing at St. John's. The Trade, until within these few Months, was never in Possession of the Fact that could induce Government to pay no Attention to their Application; but now see that it arose from Representations made by the Officers of the Customs at Newfoundland, a Representation not founded on Fact.—And the Witness is authorized from the Trade to say, that what was set forth by the Officers of the Customs, in their Representation of the 9th of April 1790 from Poole, of the Necessity of a Custom House to prevent Smuggling, and representing the Traders, if not vigilantly watched, would be guilty of it; and that the Complaints made by the Trade respecting the Fees arose from the Exertion of the Officers Duty, and that had they been remiss, there would have been no Complaint whatever.

There is a particular Case recited in that Report respecting an Individual, which is a Petition of Mr. John Lee, to the Admiralty Court of Newfoundland, that will disprove what is set forth in the Report: That was the Paper which Mr. Lee delivered in to the Committee of Trade at Dartmouth; and the Witness saw him deliver it. That he does not mean to contradict that Part of the Report which is said to be the List of Fees. There are Three Classes of Ships that use, or by which the Trade of Newfoundland is carried on; the Banking Ship, that fishes on the Banks; the Ship that carries out Supplies for the Fishery from England, and whose Crew is employed on the Boat Fishery during the Summer Season, or the Time they remain there; the other Class are Ships from Foreign Ports, and the British Islands in the West Indies. The Trade conceives that, by the Act of the 15th of George the Third, all Ships employed either at Banking, or their Crew on the Boat Fishery at Shore, being cleared out conformable to the Act, with Green Men, fall under the Denomination of Fishing Ships, and only subject to the Two Shillings and Six Pence as a Fee, mentioned in that Act; but the Idea of the Officers of the Customs has been otherwise, and the Traders have been obliged to pay to the following Amount for their Ships employed in the Trade.

A Vessel

A Vessel from England with Sundries for the Fishery, and taking in a Cargo of Fish, or Fish and Oil, in Newfoundland, pays £. 5. 18s. 6d. Fees.

A Vessel employed in the Bank Fishery, and not carrying a Cargo of Goods to Newfoundland, but taking in there a Cargo of Fish, or Fish and Oil, pays 12s.—If the same Vessel loads any other Goods in Newfoundland as Part of her Cargo, it pays £. 2. 12s.

A Vessel from Spain or Portugal, or Italy, with Salt for the Fishery, and taking in a Cargo of Fish, pays £. 4. 11s. 6d.

A Vessel from England or Ireland, which unloads at different Ports at Newfoundland, and after that takes in a Cargo, pays £. 7. 11s. 9d.

Coasting Vessels in Newfoundland, pay 12s. which Vessels are employed in carrying Goods from one Harbour to another for the Use of the Fishery. The Witness begged Leave to observe, that in the Island of Newfoundland, there is no other Business but that of the Cod Fishery, the Seal Fishery, the Salmon Fishery, and a little Fur Trade. There is neither Agriculture or Manufactures in the Island.

Another Cause of the Decline, and which in all Probability will operate more powerfully than it does at present in the succeeding Years, is that of the Introduction of French, American, and Norway Fish to the Ports of Italy, Spain, and Portugal, that were before supplied by us.

That the Cause of the Establishment of a Custom House at Newfoundland does not now exist, as the Importation from Ireland to Newfoundland is open.—The Traders have no Objection to a Custom House being established in every Harbour and Creek in the Island of Newfoundland, if they are not subject to Fees.—The Fishery from this Kingdom to the Island of Newfoundland carried on in Ships on the Banks, and in Boats on the Shore, by People residing here, but going to and returning from Newfoundland Annually, and who take to Sea a Proportion of Green Men every Voyage, increase the Marine of this Kingdom, provides in Time of Peace Men for our Foreign Trade, where the Climates, and the Length of Voyage, are so destructive as to tend to the Decrease, and in Time of War they serve on Board His Majesty's Ships,

Ships, and are allowed to be the First Class of common Men in the Service; and they are in this Kingdom from the Middle of November to the Month of March and April following, ready, if required, for its Defence.

The Effect of their Labour in the Fisheries is a Return of Specie to this Kingdom, which is so diffused as to be a general Benefit.

This Fishery is also the Cause of a Trade to Newfoundland, which employs a great Number of Ships to carry Provisions, Cloathing, and Fishing Materials, and to take Abroad to Foreign Markets the Produce of the Fishing Voyage. This Trade benefits the Manufacturers in England and the Landed Interest.

The Fishery at Newfoundland by the Residents, can only be considered, as to this Kingdom, as a Trade which employs Ships to carry Provisions, Cloathing, and Fishing Materials to them, exchanging the same for the Product of their Fishing Voyages. The Benefit resulting to this Kingdom from this Fishery, is the Return of Specie for the Provisions and Manufactories they consume.

The Difference between the descriptive Fisheries may be said to be, the Increase of the Marine with the Difference that may arise to the Revenue from the Consume of the same Number of Men and their Families, between residing in England from November to April, or residing in Newfoundland.

The Effect of the Bounties given to the Fishing Ships:

The Bounties granted by the Act of the 25th of His present Majesty have kept up the Bank Fishery, and prevented that Fishery getting into Possession of Resident Fishermen in Newfoundland.

In stating the Fisheries and their Effects, the Merchants do not mean to say that Residents, in a certain Degree as to Number, are not necessary to the Fishery and Trade carried on from this Kingdom to Newfoundland, they most assuredly are.—And being asked, Whether the Bounties counteract the Effect of the Grievances complained of? he said, No.—And being asked, If it was proposed to him to give up the Bounties, as the only Means of getting the Grievances removed, would he agree to give them up? he

he said, Certainly.—And being asked, Would not the Bounties be necessary, even if the Grievances were removed? he said, They would for Two Reasons: First, the Adventurer from Great Britain might be induced to carry on the Fishery; Secondly, it would prevent the Residents of Newfoundland from taking that Fishery from them.—And being asked, If he thought One of the Advantages of the Bounties is to enable the British Fishermen to cope with the Resident One? he said, It certainly does.—And being asked, What Capital is necessary to carry on a Bye Boat Fishery from this Country? he said, £. 80 Capital per Boat.—And being asked, Were there People formerly having but One Boat? he said, Several.—And being asked, Were there many of that Description left now? he said, No; he does not know of Five.—And being asked, Whether the Ships used in the Fishery carried on from Dartmouth, Exeter, and the Ports Westward, are built in this Country or Newfoundland? he said, In this Country, by far the greater Part; there may be Three or Four that were built in Newfoundland.—And being asked, To what Causes does he attribute the Decline of the Boat Fishery? he said, By far the greater Part to the operative Clauses in the Act of the 15th of George the Third, and the general Decline of that Trade.—And being asked, In what Manner was the Boat Fishery carried on? he said, By People from England of small Fortunes, and with a Confidence or Credit from the Merchant who received his Payment in Newfoundland in Fish and Oil; the Boat Keeper was also furnished with Supplies in Newfoundland by the Merchant, the Boat Keeper paying the Merchant when the Fish and Oil were in a perfect State as to being cured.—And being asked, Is the Committee then to understand that the Manner in which the Act is supposed to have produced the Decay of this Fishery, is by diminishing the Dependence of the Seamen upon their Employers, which is effected by giving them a Claim upon the Fish and Oil for Payment of their Wages, and by limiting their Punishment for leaving their Work? he said, Certainly it is a Part of it.—And being asked, Whether there are not other Circumstances, namely, the increased Expence of settling Disputes; the Bankruptcies in the larger Capital; and all the general Circumstances which have operated to the Disadvantage of the Trade; and have not all these contributed, in some Degree or other, to the Destruction of this Species of the Fishery? he said, They certainly have.—And being asked, Whether that Part of the Act of the 15th of George the Third respecting the Forty Shillings Passage Money, has been generally executed? he said, It certainly has by the

People carrying on the Trade from Dartmouth, and near it.—And being asked, Whether they always bring back all the Seamen they carry out? he said, All, except a few that are absolutely necessary to take Care of the Fishing Rooms during the Winter.—And being asked, Whether the Seamen brought from Ireland are always carried back the same Year, he said, They are, with the foregoing Exception.—And being asked, Whether they do not often hire themselves for Two Summers and a Winter? he said, In their Trade they do not.—And being asked, Is it not the Interest of the Trade from Dartmouth to bring back the Men, and to make it a Fishery instead of a Residency? he said, Certainly.—And being asked, Whether he saw any Objection to giving Bond to bring back the Number taken out? he said, Certainly not, if there were no Fees to be paid. The Trade beg Leave to state Alterations which they wish to have made in the Judicature Act, passed last Year for One Year only, having found great Inconvenience and Expence in the Manner that it now stands. They beg that all Causes exceeding Forty Shillings may be tried by a Jury, if either Party require it. That in all Causes exceeding £. 30 there may be an Appeal from the Decision to the Courts in Westminster; that all Fees, if any are to be charged, may be particularized in the Act. The Clause of Limitation of Actions to be explained, as it has been made to operate as an *ex post Facto* Law; that in Cases of Bankruptcies the Creditor may have the same Power as in England; that the current Season of the Year may be explained to stand from the 30th of October in the preceding Year. The Reason why the Trade wish for the Sum to be £. 30 instead of £. 100 in Cases of Appeal is, that there have been several Decisions where the Party has thought himself much aggrieved, but the Sum was under £. 100, and the Person without Redress. The Reason why the Clause of Limitation of Actions should be explained, proceeds from Decisions having been made to the great Prejudice of the Creditor, where the Statement of the First Balance of Account has exceeded Six Years, but Payments have been made down to the Year preceding the Act. In Proof of which, he begged Leave to state to the Committee, that he himself stands a Sufferer of £. 90 and upwards.

The Reason for which the Trade begs Leave to have all the Fees of the Judicial and Executive Officers mentioned in the Act, is from the Extravagance of the Fees demanded. To prove which he has an Account of £. 618 for Fees and Charges made by the Sheriff in One Action of Bankruptcy; and Mr. Thomey, now residing in Bristol, is ready to come forward to prove the
Fact

Fact of Payment. There are many other Cases of the same Kind.

When the Trade of Newfoundland was more flourishing than it is at present, there was much less Litigation than now. The Establishment of new Courts is, in his Opinion, the only Cause of it. Justice was formerly administered to all Descriptions of Persons at little or no Expence, and the Parties perfectly satisfied. Since the Court of Common Pleas has been established, Fees of Office have increased; and where there was One Action before, there were Ten afterwards, or even Twenty.

The Trade wish, that the Clause permitting no Officer of the Customs to act as a Justice, or in any other Judicial Capacity, may be continued. He mentions this from an Information given by the Traders last Year in Newfoundland, that it was said, by high Authority, that they should have Power to act as Justices of the Peace. The Reason why is, that they may sit as Judges where they are Parties, and it gives them an improper Influence in the Island. And being asked, Whether they have hitherto acted as Justices of the Peace? he said, They have for some Years back, which is the Occasion of the Complaint, or rather the Wish, that they should not be Justices. There are a sufficient Number of Persons to act as Justices if the Custom House Officers are excluded.—And being asked, What Sort of Persons does he describe to be fit? he said, The most intelligent, and of Weight as to Respectability, and of the fewest Connections: He meant by the fewest Connections, such a Description of People as by their Occupations have most Time to devote to the Public; the Class of People who formerly were Justices of the Peace, and who did the Business at little or no Expence; People who had Possessions in the Island of Newfoundland, and who were well acquainted with the Nature of the Trade, but had little Concern in it.—And being asked, Were they Merchants? he said, He never knew a Merchant that was a Justice of the Peace in St. John's.—And being asked, Were they Boat Keepers? he said, No, not properly called so; they might keep Boats.

And being asked, When he was in Newfoundland? he said, From about 1759 to 1778; that he had not been there since; that the Justices of the Peace at that Time were the Chief Judge of the Admiralty. He was of the Quorum; the Clergyman, the Surgeons, and Two Gentlemen, Residents, who had Plantations. Three acted at a Time.—And being asked, Whether he knew any

any Persons of the latter Description there now? he said, Mr. Williams is still alive; and believes there are others of the same Description.

The Trade also think the Secretary to the Governor would be a proper Person as a Justice of the Peace, or any Captain of a Man of War who might be upon the Station.—And being asked, Whether the Forty Shillings are stopped from the Servant's Wages if he is brought or sent Home? he said, Yes, but if the Passage Money does not amount to Forty Shillings, the Difference is paid to the Servant.—And being asked, If the Servant is left behind, is any Deduction made out of his Wages? he said, No.—And being asked, What Difference could it have then made to the Merchant, if he had been obliged to pay Forty Shillings into the Hands of a Receiver, who was to provide a Passage Home for every Servant? he said, The Difference is this, the Merchant can now send his own Servants Home in his own Ships, or bring Home the Servants of his Friends, and avail himself of the Benefit that may arise from carrying Passengers: There are several Vessels employed on the Bank Fishery, that by Oil and Passengers make a Freight Home to England: Was the Appointment of Ships that should take the Passengers to England to be with a Receiver, it would be of manifest Injury to such as now bring them Home, and in all Probability a Jobb Business of the Receiver, to make an Emolument to himself, that would be an Injury to the Servant also.—And being asked, What Manner of administering Justice did he allude to, when he said it was satisfactorily administered? he said, That of small Complaints being settled by the Justices of the Peace, those of larger by the Justices and Jury, and by the Governor and Jury: At Times the Fishing Admirals would determine, an Appeal from which was to the Governor; these Fishing Admirals were sometimes called to determine respecting Ships Rooms.—And being asked, Whether the Governor ever determined without a Jury? he said, Never, where it was requested.—And being asked, Was not One of the Objections to the Court of Common Pleas the Inconveniences of serving upon Juries? he said, The Complaint was not against Juries, but against the frequent holding of Courts, which called the People employed in the Fishery from their Business; the Justices then sat Three or Four Days in the Week; the Commissioners of the Common Pleas the Remainder of the Week, the former to provide Work for the latter.—And being asked, Whether the Bill did not propose that Forty Shillings a Man was to be paid to the Officer appointed by Government, to find him a Passage Home? he

he said, Yes.—And being asked, Is not the Price of a Passage sometimes as low as 15s. ? he said, He has known it as low. —And being asked, Whether the Surplus of 25s. was to be paid to the Man himself ? he said, No.—And being asked, Was it then to be levied as a Tax to support the new Establishment ? he said, Yes.—And being asked, Whether it was not his Objection to that Clause, because it is equally as injurious to the Servant as to the Master ? he said, Yes.—And being asked, Was he not apprehensive that if such a Regulation passes, he would, in course of Time, be obliged to advance the Wages of the Men in Proportion to that Part of the 40s. which is to be applied to the Purposes of the new Establishment ? he said, It must operate to that Effect in the Course of Two Years.

As Seizures have been made by the Officers of the Customs, which, if not explained, may convey an Idea of a Smuggling Trade being carried on in the Island of Newfoundland, the Witness begged Leave to state the Circumstances under which they have been seized; and he delivered in to your Committee Two Papers, and an Account from his Agent, to shew that he had suffered a Loss in the Cause of Mrs. Butler; which Papers and Account are as follow :

“ This Business of Mrs. Butler's Rent was heard in Court, and
 “ Mr. Creed was present; the Court held that the Rent up
 “ to last Year was rightly paid, or rather set off by New-
 “ man's House; but that the Rent coming due in Decem-
 “ ber 1791 ought not to be set off against Mrs. Butler's
 “ old Debt, but paid to her.

“ JOHN REEVES, Chief Judge,

“ 31 Oct. 1791,

“ At St. John's.”

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" P L E A S.

" In the Supreme Court Nland, at Port de Grave, 12th Sept.

" MARY BUTLER

" v.

" WILLIAM NEWMAN.

" Judgment for the Plaintiff — Ex^t issued - - £. 29. 3.

" P L E A S.

" In the Supreme Court, at St. John's, Oct. 1792.

" WILLIAM NEWMAN

" v.

" MARY BUTLER.

" Plaintiff non-suited.

" No Balance due."

" £. 95. 19."

WILLIAM

WILLIAM NEWMAN in Account with HENRY BUTLER

WILLIAM

ue."

£. 29. 3.

12th Sept'.

WILLIAM NEWMAN in Account with HENRY PHILLIPS, Sheriff.

D^r

1792.

Oct. 30.	To a Writ ag ^t George Alford	-	-	1	2
	D ^o John Buffle	-	-	1	2
	D ^o Tho ^o Hufley	-	-	1	2
	D ^o James Morgan	-	-	1	2
	Mary Butler	-	-	2	9
	Sam ^l Lilley	-	-	1	2
	John Mitchell	-	-	1	2

Amount of Mary Butler's Debt and

Charges - - - - - 26 -

Costs - - - - - 3 3

P^y for crying and advertising Fish - 6 6

Commisⁿ on Sales Fish, to Amo^t
of £. 29. 3. 2½ & Cent. - 14 6

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Offered to pay without
any Attachment, but
refused.

St. John's Nfand,
5 Nov^r 1792.
(Errors excepted)
H. PHILLIPS.

Your

Your Committee then called Mr. PETER OUGIER, who was asked, By whose Authority is he deputed to come before your Committee to give Evidence of the Newfoundland Trade? he said, By the Merchants trading there from the whole County of Devon; by a Number of Manufacturers within that County; at the Request of the Merchants at Plymouth, not immediately concerned in that Fishery: He is appointed with Mr. Newman by those deputed from Scotland, from Bristol, and the People generally in the Island of Newfoundland; by the Wishes of the Merchants of Ireland, from whom he has had frequent Applications; as well as from People in general, not immediately connected in the Trade, knowing its great Utility.—And being asked, Did he mean, by these not immediately connected in the Trade, such Manufacturers who supply those that are? he said, He does.—And being asked, What is the present State of the Newfoundland Fishery? he said, A reduced and declining State.—And being desired to describe its former Situation, its Rise and Decline? he said, It appears that since the First Establishment of this Fishery no Laws nor Regulations have taken Place, but from the Application of the Traders to Government, before the Act of the 15th of His present Majesty, nor were any former Laws enacted without the Opinion of the Traders.

That no Description of Persons in the Fishery have made such an Application since the Law made by the Act of King William the Third, but they now wish that the Laws, or rather the Customs, which were proved to be beneficial by Experience may be sanctioned by Parliament; that these Laws and Customs are such as were usual before the Act of the 15th of His present Majesty was passed; and that those who have been concerned, and have been in this Fishery, are the most competent Persons to point out under what Laws and Regulations it hath heretofore increased; as also, under what Laws and Regulations it can and will exist; that it is the earnest Desire of the Trade, to make it as much as possible a British Fishery; that the Trade on the Merchants Part are ready to give their Assistance by giving Information either in framing Laws for that Purpose, or carrying them into Execution, if Government think their Opinions and Wishes ought to have any Weight, That this Fishery did increase to a great Extent under former Laws and Customs. That it is now in a declining State. That they cannot meet their Rivals at Market on equal Terms. That these

Causes

Causes have proceeded from oppressive Clauses in Laws passed of late Years, and from oppressive Fees of Office. That the Fishery was in a flourishing State previous to the passing of such Laws. That the Sanction of Parliament to have established the Customs before the Act of the 15th of His present Majesty, in Addition to the Law made in the Reign of King William the Third, would have prevented its Decline. That no further Laws were or are necessary for the securing the Newfoundland Fishery to this Country, for the Security of the Persons concerned therein, of any Sort or Description, whether Merchants or Byc Boat Keepers, Native Residents or Servants. That every Description of Persons were before that Time happy and comfortable in their respective Situations. That the Police was and still can be supported without any new Plan of Exaction whatever; and that by the common Usages previous to these Laws, a Sum more than sufficient was provided to pay that Expence.—And being asked, If he agreed with what Mr. Newman had stated, in respect to Bankruptcies, such as have happened, and the other Circumstances which he has described of the declining State of the Trade? he said, Yes.—And being desired to state why we cannot meet our Rivals at Foreign Markets on equal Terms? he said, Because our Rivals are encouraged, and we are depressed by extravagant Expences.—And being asked, If he meant Expences occasioned by the Mode in which the Fishery is regulated? he said, He meant by the oppressive Clauses in the Act of the 15th of George the Third, by the additional Expence of Fees of Office in different Departments, and by other Laws which have been made since.—And being desired to state what is our Situation in Foreign Markets, with respect to our Rivals, and what it was formerly? he said, The French have introduced their Fish at some Markets; the Americans continue to supply others; the Norwegians have almost taken Possession of the Market of Barcelona, and have introduced Fish to some others; all to our great Detriment.—And being asked, Whether he had any Opportunity of being acquainted with the French Trade? he said, He had.—And being asked, At what Period was he acquainted with the French Trade? he said, In the Years 1763, 1769, and 1770.—And being asked, If he knew any Thing of it since the last War? he said, That the French Possessions in some Parts were exchanged much against the Interest of the British Fishery, by which Means they are in Possession of a Situation the best in the Island, and we, in Exchange, have got the very worst, inasmuch as that the French Government did assist by Bounty or otherwise: Those People carry on Fisheries in that former Situation

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which we now possess, and it gives them a Preference at the Spanish Markets, as that Situation produces the largest Fish, which is preferred in Spain. The Situation of the French Fishery, by the Treaties of Utrecht and Paris, were such as put them in a Situation so as to envy us in our Advantages; since which they have regularly, from Time to Time, received Encouragements. By the Treaty of Paris they considered themselves as carrying on Fisheries by Leave, on a British Island: The People of France considered themselves subject to British Laws, when that Part of the Island, which was common to both, was under the Direction of Fishing Admirals: This he has seen; and has also seen the Advantages of such Authority and Power: The Indulgencies given to the French prevented him, in 1768, or thereabouts, and many others, from continuing, or rather establishing, extensive Fisheries in that Part.—And being asked, If he knew whether the French Fisheries were incumbered with Fees or Duties of any Kind? he said, They were not at that Time, and believes they are not yet.—And being asked, Whether French Ships are liable to Seizures, Delays, and Expences, under Pretence of Irregularity of Papers, or trifling Neglects, to which ignorant Men are liable? he said, He never heard they were, and believes not.

Mr. GEORGE CHALMERS, Clerk to the Committee of Council for Trade, was called in, and asked, From whence the Comparative State of the British Fishery to Newfoundland (presented in the Year 1790) was made up? he said, It was made up from the Returns made by the Admirals upon the Station.—And being asked, Was it in Fact the same Account, as far as it went? he said, At the Time it was given in, it was conceived to be a true Copy taken from it, and given as an authentic Account of the State of the Fishery.—And being asked, Whether the Account styled, “A State of the Newfoundland Fishery from the Year 1769 to the Year 1791,” which was presented in 1792, taken from the Returns of the Admirals on that Station, is also an authentic Account? he said, It was conceived at the Time to be an authentic Account.—And being asked, Whether he had compared them since? he said, No.—And being asked, If he could account for the Differences that appear between them? he said, If there was a Difference, it might have arisen from the complicated Nature of the original Accounts, and from the Circumstance of their being made up with different Directions; the Persons who made them up may have either mistaken the Directions, or mistaken the Figures by taking One Statement for another, and having been made up to different Times.

Your

Your Committee again called Mr. OUGIER; who begged to observe, That the Opinion he has before given on the Operations of the Laws made since the Act of King William the Third, on the Newfoundland Fishery, is not an Opinion formed from the Effects already experienced alone, but also from the ill Consequences he clearly saw must follow at the Time the Act of the 15th of His present Majesty was passed. This Prediction he delivered in Writing to Admiral Campbell, near Twelve Years since. This Fishery is carried on from only a few Ports in Great Britain; the closest Application, and the most rigid Economy, being absolutely necessary in the Cause. The Merchants from Scotland, from a similar Propensity, will, when the Oppressions alluded to are caused to subside, also increase in this Trade. This Fishery, like all other Trades, finds its Level, and only a certain Quantity of Fish can find Sale at a Price that can support it; and a small Overstock reduces its Value below all Proportion of the superfluous Quantity. Those who catch and carry it to Markets on the cheapest Terms, will consequently get possessed of the Trade, which will continue with those who are most encouraged and least burthened.—And being desired to describe the different Sort of Fisheries? he said, The Cod Fishery is distinguished by the different Names of a Bank and Shore Fishery; the Bank Fishery is carried on in Ships from Forty to about One hundred and Twenty Tons Burthen, their Crews from Seven to Twelve Men each on Board, and on an Average nearly Three Men on Shore are employed to cure the Fish. These Vessels are, excepting very few, British built, and only a moderate Capital is required to carry it on. This Bank Fishery, to be encouraged, would nurse in each Year more Green Men than all the Greenland Trade in any One Year.

The Boat Fishery was carried on chiefly by Bye Boat Keepers from England, whose Men went out Passengers to Newfoundland, and returned at the End of the Fishing Season to their respective Residences in Europe, with only a few necessary Exceptions. This Fishery was originally carried on by Persons in the Situation of Day Labourers, in which many have often been employed at Home in the Winter Season, within these Twenty Years; these Boats Crews are from Three to Seven Men each, and on an Average from Two to Three Men are employed on Shore to cure the Fish, and provide Bait for each Boat; the Tonnage of these Boats is from Five to Twenty-five Tons. He recollects when it was considered that not less than Two hundred and Fifty Men, engaged in this Sort of Fishery, employed Annually from the County of Devon, not less than Two thousand Five hundred Men;

Men; at this Time he scarce believes there are Twenty Bye Boat Keepers in all now left.

The Witness begged Leave to state to your Committee, That there were, in the Year 1776, Nine Merchants carrying on the Trade and Fishery to the Bay of Bulls, of whom Five are insolvent; One retired from his Business on Account of the Trade being a losing one; another died, without any one succeeding to the Trade; and the Two remaining do not carry on above Half the Trade they did at that Time; he (the Witness) is One of the Two, and should certainly increase his Trade to its former Extent, or greater, if the Inconveniences complained of were removed.—He begged also to state to your Committee, That in this District there were in the Year 1776 Eighteen Bye Boat Keepers from England, and Ten from Ireland, who carried out their Servants, and returned with them Annually; that Number, he recollects, and has a List of their Names. There were also more, whom he does not remember. In the last Year there was only One of each Description remaining. The Resident Boat Fishery was carried on by some Residents, for whom the Merchants in England used formerly to send out in their Ships a Number of Green Men, and others for the Purpose of Manning their Boats, and which Men their Ships used to carry back again after the Fishing Season to their respective Residences in the British European Dominions.

The Resident Boat Fishery is now provided with Men, partly by the Natives, and in some Proportion, perhaps a Sixth Part of the Number, go out and return Yearly from Great Britain and Ireland.—And being asked, If he meant the French have an Advantage from their Possessions under the last Treaty of Peace, or from our Fishermen being restricted by an Act passed in 1787, forbidding them fishing from Cape Ray to Point Riche? he said, They certainly have an Advantage by the Treaty of Peace; but that Advantage was greatly increased by the Act of Parliament alluded to.—And being asked, Should we carry on the Fishery there again if that Act was repealed? he said, Those in a Situation near it would acquire an immediate Advantage both in the Salmon Fishery and the Fur Trade. With respect to the Cod Fishery, it would be hazardous, from the Apprehension of being removed at a returning Peace. Had that Situation been possessed by Great Britain alone in the late Peace, he himself had prepared the Establishment for a Trade there, which, had not the Burthens complained of been laid on the Fishery, would have employed by this Time full One thousand Two hundred Men, that would have gone

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gone from Europe, and returned again Annually.—And being asked, Did the Men he had described as curing Fish on Shore return Annually to Europe? he said, They generally did. The People whom he has mentioned to be necessarily left at Newfoundland are of this Description. He has known only One Person left in the Charge of Four or Five Bye Boat Keepers Effects in the Winter, but the Number must depend on the Condition of the Buildings on which the Fish is cured. He never knew a Fisherman remain in Newfoundland the Winter from Choice. No Winter Servant can earn as much for his Master as the Expence of his Provision (he means to speak to the Cod Fishery only). He apprehends the great Increase of Inhabitants is mostly at St. John's, and from these Causes: First, From the Introduction of Luxury, which has been caused by late established Laws creating unnecessary Offices, and the consequent menial Servants of these Officers, particularly the Increase of Female Servants: He means the Officers of the Customs, and the Officers in the Establishment of the Court of Common Pleas. The Number of Inhabitants is also augmented by Ships going from Ireland to the Continent of America, and in their Way leaving a great Number of Men, brought out as Passengers, on the Island of Newfoundland, who could get no Employment in the Fishery. These Men did generally remain in the Island. This happened only Once or Twice, from there being no Person to pay their Outward Passage.—And being asked, Whether the Bye Boat Fishery from this Country is equally decreased in the other Parts of the Island, as in the Bay of Bulls? he said, In his Opinion it is.

GEORGE CARTWRIGHT, Esquire, being examined, informed your Committee, That he was an Officer of Foot in His Majesty's Service.—And being asked, Whether he has been in Newfoundland? he said, Yes; several Times.—And being asked, In what Capacity? he said, Twice on Pleasure, and Five Times on Business, in his Way backwards and forwards to Labrador; the last Time he was there was in 1786; he has been much in that Part of Newfoundland inhabited by the Native Indians; he has Reason to believe that their Numbers are considerable, but he cannot state what the Numbers are, as they have been so much chased and driven away by the Fishermen and Furriers.—And being asked, How near to any of our Settlements do the Indians come? he said, They frequently come in the Night into the Harbour to pilfer what they can get, to supply their Necessities.—And being asked, What were the Articles which they

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mostly Seal? he said, Seals, Hatchets, Boat Kettles, and such other Things as they think will be of Use; they use the Seals as covering their Wigwams or Tents.—And being asked, Could he state any Particulars respecting the Condition of the Indians in Newfoundland? he said, He thinks their Condition is very wretched and forlorn indeed; our Fishermen and Furriers murder and plunder them whenever an Opportunity offers; he has heard many of them boast of the Murders they had committed.—And being asked, Did he ever hear of the Fishermen and Furriers shooting at the Indians for their Amusement? he said, He has heard many say they had rather have a Shot at an Indian, than at a Deer: A few Years ago there were Two Men, One of whom he knew personally, went up the great River of Exploits in the Winter, on purpose to murder and plunder such Indians as they could meet with; when they got to the Head of the River, where it comes out of a great Lake, they met with an Indian Town, containing above One hundred Inhabitants; they immediately fired upon them with long Guns loaded with Buck Shot; they killed and wounded several, the rest made their Escape into the Woods, some naked, others only half-clothed; none of them provided with Implements to procure either Food or Fuel; they then plundered their Houses or Wigwams of what they thought worth bringing away, and burnt the rest, by which they must necessarily have destroyed the Remainder, as they could not exist in the Snow.—And being asked, If he meant to state, that the Conduct of the Fishermen and Furriers to the Indians was in general of that cruel Nature, or that these were only particular Instances? he said, He has Reason to believe, from the Conversations that he has had with the Fishermen and Furriers of those Parts, that there are very few who would not have done the same Thing.—The Witness having stated, that the Indians sometimes come down into the Ports where our Cod Fishery is carried on, and steal various Articles, he was asked, Whether he believes that that was in Consequence of any Provocation or Molestation they might have received from the Fishermen and Furriers? he said, Most certainly, and also from the Impossibility of their ever getting any Thing they want by any other Means; he has been well assured, that formerly a very beneficial Barter was carried on between our People and the Indians, somewhere near the Port of Bonavista, by our People leaving Goods at a certain Place, and the Indians taking what they wanted, and leaving Furs in Return; but that Barter was at Length put a Stop to by One of our Fishermen hiding himself near the Place of Deposit, and shooting a Woman dead upon the Spot as she was suiting herself with what she wanted.—And being asked,

asked, Whether he believes, from what he has seen of the Indians, that any Interchange could be again established between them and the British Fishermen and Furriers in Newfoundland? he said, He thinks it very possible and practicable; that he gave in a Plan several Years ago to Administration for that Purpose, and then stated generally these Circumstances, and he offered to undertake the Execution of it himself.—And being asked, From what he has seen of the Indians, did they seem to be of a more sanguinary and savage Disposition than the People in that State of Society generally are? he said, By no Means, for he has heard many Instances of their saving the Lives of our People, when they might very easily have put them to Death; he heard One Man tell his Master, that a few Days before he left the Bay of Exploits, as he was going to land out of his Boat to look at a Trap which he had set for an Otter, he was surprised by the Voice of an Indian, and on turning his Head, saw an Indian standing on the Shore with an Arrow in his Bow ready to shoot him; that the Indian made a Motion with his Head for him to retire; he was then not above Four or Five Yards from the Indian, he immediately pulled his Boat round, and rowed off as fast as he could; that the Indian remained in the same Posture until he had got some Distance from the Shore, and then retired into the Woods; that the Fisherman then added, that he regretted not having his Gun with him, as he would have shot him dead upon the Spot.—And being asked, Whether the Indians are large and stout Men? he said, From what few he had seen of them, he believes they are.—And being asked, Did the Cruelties which he has mentioned to be exercised by the Fishermen and Furriers to the Indians happen in Summer as well as in Winter? he said, Yes, in both, but more Opportunities happen in the Summer than in the Winter.—And being asked, Did the Merchants and Persons who go out from this Country to Newfoundland use their Influence and their Endeavours to prevent such Practices? he said, He did not recollect an Instance of it.—And being asked, Had the Magistrates used any Exertions to prevent those Outrages? he said, There are no Magistrates resident within that District that he knew of, he means the District between Cape St. John and Cape Freels.—And being asked, Whether the Magistrates resident within any of the other Districts were capable of preventing these Horrors, if they exerted themselves for that Purpose? he said, He does not believe they could, because they reside at too great a Distance.—And being asked, Did he conceive that those Horrors could be prevented without the Establishment of a regular Court of Judicature in Newfoundland? he said, He thinks that if his Plan, or something similar to it, was adopted, it would effectually prevent every Thing of

of the Kind, and the Offender might be carried to St. John's to be tried by any Court of Judicature established there for the Trial of Criminal Offences.—And being asked, Whether there is not a Trade at present carried on with the Indians? he said, No: He knew not when the Intercourse was interrupted; it was Twenty-seven Years ago that he first heard of it.—And being asked, Whether there is any English Merchant that carries on a Fishery to the Northward of Cape John? he said, Not now, he believes.—And being asked, Whether the People that he states to have committed these Enormities were Annual Fishermen from England, or Residents in Newfoundland? he said, Generally the Resident Fishermen.—And being asked, If that Residence was prohibited, would not these Enormities be in a great Measure prevented? he said, If Residency within the District he alludes to was not permitted, it would in a great Measure have that Effect; he means the District between Cape Freels and Cape John.—And being asked, Whether he thinks that the Disposition of the Indians is such as to lead them to live upon good Terms with our People, provided there were only a sufficient Number left to take Care of the Fishing Materials? he said, He thinks our People would be in Danger, unless some Intercourse was first established.—And being asked, In what Year did the Enormities he represents happen, and who were the Officers of the Navy commanding in those Parts at the Time? he said, He could not recollect.—And being asked, If he was conversant with the Coast of Labradore? he said, Yes.—And being asked, Whether there is not an Annual Fishery carried on there from Great Britain, without any Residence? he said, No; there are very few who go out for the Summer there.—And being asked, How is Justice administered in Labradore? he said, There has been neither Law, Justice, nor Equity there for many Years.—And being asked, Whether there is not a more flourishing Fishery carried on there than at Newfoundland? he said, He could not tell how flourishing it is, but he knew that Numbers of People have suffered there for Want of Justice.—And being desired to state any Instances he might have heard while he resided at Newfoundland, which might make a new Court of Judicature necessary? he said, He could not pretend to say; he knew of none.—And being desired to state the Outlines of his Plan? he said, It was to appropriate that Part of the Coast from North Head to Dog Creek, including Chapel Island, and all other Islands within that Line, to the Use of the Indians, and to have some Person stationed there with a Schooner, and a sufficient Number of People to protect them; by which Means some Acquaintance and Connexion might be formed betwixt the Indians and the English,

English, and beyond all Doubt a Traffic would be established. There is no Intercourse or Barter between those Native Indians he speaks of and our People. There are Parts of the Island where some Intercourse is maintained with the Mickmack Indians, and in other Parts with the Nescopite Indians.—And being asked, If he meant that all the Residents should be removed from that Part which he has described, and that no Person should land or go there without Permission? he said, He does.—And being asked, Whether he ever knew more than One Man residing upon the River of Exploits? he said, He knew but of One.—And being asked, Whether the same Cruelties were exercised against the Indians of the Coast of Labradore, as against the Red Indians? he said, Not since the Year 1770, since he went amongst them, and learned their Language, and got upon Terms of Friendship with them; previous to that Period the Cruelties were just as numerous as those exercised in Newfoundland. It appears to him that the Indians wish to be on Terms of Friendship with the English.—And being asked, Whether the Inveteracy of the Indians against the Europeans is not so great that they murder every European they are able? he said, Yes.—And being asked, Whether he conceives that, if the Traders, going in the Summer to Newfoundland, use their Influence to prevent the Horrors that have been described, that they might not in some Degree be prevented? he said, He believes it would have a good Effect, but in general they do not trouble their Heads about the Matter, for Fear it should affect their own Interest.—And being asked, Whether those Indians are not universally afraid of an Englishman? he said, They are.—And being asked, Would they venture to come within Sight of an European? he said, They conceal themselves in the Woods as much as possible, and very seldom shew themselves.—And being asked, Did not the Merchants going to Newfoundland receive the Furs that are taken from the Indians without making any Enquiry? he said, Yes.—And being asked, Whether our Trade and Intercourse with Labradore was not very insignificant before the Year 1770? he said, Yes.—And being asked, Whether there is not a more flourishing Trade carried on at Labradore than at Newfoundland? he said, He could only say, with respect to himself, that his Trade has been very flourishing, having cleared above One hundred *per* Cent for the last Three Years.—And being asked, If any Fees were paid on that Coast? he said, Not that he knew of.—And being asked, If there were any Restrictions under which that Trade laboured? he said, He does not know that there are.

The Boundaries the Witnefs proposed to be fet apart for the Indian Diftrict are as follow :

From the North End of Dog Creek, all along the Shore of Newfoundland, to the North Head of the Exploits ; from thence to the neareft Point of New World Ifland, keeping on the Out or North Side of Burnt, and all other Iflands which lie between ; from the aforefaid Point along the Weft and South Sides of New World Ifland, to the Point neareft to Change Ifland Tickle ; from thence to the South Side of the faid Tickle, along the Weft Side of Change Iflands, to the South Point of the fame, and from thence to the North Head of Dog Creek. No Perfon, except thofe employed by His Majefty, to go within that Circle, fave only thofe who want to fell Timber, or who are obliged to do fo through Streffs of Weather, without Leave in Writing from the Perfon employed in the Protection of the Indians. This was Part of the Plan the Witnefs gave in to Government.

Mr. OUGIER being further examined, ftated to your Committee, That, in Addition to what he has before faid, refpecting the Increase of the Inhabitants of St. John's, on the Increase of Female Servants, the Officers of the Customs, and of the Courts before alluded to, and the dependent Clerks, and other Officers having Families, and alfo the Officers of the Army who have Families there, employ a Number of Female Domestics ; thefe marry with the Refidents, and settle at St. John's, fo that a Number are Annually carried out to re-place them.—And being defired to ftate, What was the former Situation of the Trade, its Progreff, and its Decline, previous to and fince the Act of the 15th of George the Third ? he faid, The Act of the 2d of Edward the Sixth, and 15th of Charles the Second, which prevented any Kind of Fee or Shares, or Doles of Fifh, have been explained before by Mr. Newman, which he affents to.

Previous to the paffing the Act of the 10th and 11th of King William the Third, it appears that fome Fees or Extortions were again attempted, and that the Traders made Application to Government to be relieved of fuch Oppreffions ; that on a Representation being made from Government to the Britifh Parliament, the Traders were requested to affift with their Opinion in forming a Code of Laws. This Act is ufually called by the Traders a Charter for the Newfoundland Fishery ; it gives to the Traders and Fishermen an unlimited Power, under certain Restrictions, as follows :

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The Traders are compelled to have every Fifth Man in their Ships a Green Man, Bye Boat Keepers and Residents are compelled to have One Green Man out of Six, who had never been at Sea, and One other who had made but One Voyage; conforming to this Restriction, they were in the First Place to have their Clearances from the Custom Houses in England without Fee or Reward; each of this Description have a Privilege to build Houses, Fishing Rooms, &c. on certain vacant Spots, and to hold the same as their own Property; from this Encouragement did that most useful Class, the Bye Boat Keepers, greatly increase, and from the Situation of Day Labourers in England, a great many have by these Possessions in the latter Part of their Days had a comfortable Subsistence; this Prospect hath induced Thousands to become Bye Boat Keepers, and it is of Public Utility as a Cause of supporting this Fishery. Having Possession, the Buildings are naturally kept in Repair, and are let at Rent to any new Adventurers for One Tenth Expence they could erect others, the Timber for these Buildings at the Time of passing this Act grew near the Spot where it was intended to be used, for which at this Time Servants are obliged to go Six or Seven Miles in the Country, which can only be done in the Winter Season, and must consequently require a greater Number of Winter Servants.

The Restriction of such a Number of Green Men is far beyond the Proportion of the Seamen nursed in any other British Fishery, or in any other Branch of British Commerce or Navigation.

This Act grants a Power to the Masters of the Three first Ships that shall arrive every Season in any District, or any Two of them, to hold a Fishing Admiral's Court, to hear and determine all Disputes relative to the Fishery between every Description of People; with an Appeal to a Captain of His Majesty's Ship from either Party thinking themselves aggrieved, whose Determination was final. That Capital Offenders should be brought to England to be tried. As the Fishery increased, it was found necessary that a Power should be granted somewhere to hold Courts for the Trial of small Crimes and Offences on the Spot; a Commission was granted by His Majesty to the Senior Captain of the Squadron upon that Station, which authorized him to hold Courts as a Justice of Peace in England, and also to authorize in each District some Person of Probity and Character, by virtue of a Commission, to act as Justices of the Peace in their respective Residences. In the Course of Time, from the Occasion of a Murder, that was proved by the Men's Trial in England to be in Self-defence,

fence, it was thought necessary by Government that the Commander of the Squadron should be empowered to hold Courts of Oyer and Terminer: He believes it was about 1730; from which Time to the Act of the 15th of George the Third, Courts of Sessions, of Assize, and Oyer and Terminer, were regularly held. The Commander of the Squadron was authorized to appoint a Number of Commissioners to hold the Court of Assizes, usually Seven. There were Three Justices at St. John's, and Four principal Merchants; an High Sheriff was appointed One of the principal Residents in the Mercantile Line. He held this Office without Fee or Emolument. It has lately been held by a Native of America, whose Emoluments and Conduct will appear by the Evidence of Mr. Thomey. There were Juries, and Constables, and all regular Peace Officers; the Jurors without any Expence, the Constables and other Officers Fees were next to nothing; a Grand Jury would at this Time have readily have found a Bill against the Murderer of an Indian, and the Petty Jury on Proof would have convicted him. About 1741 the Admiralty Court was first established. The Judge of this Court was generally also the Chief Justice at St. John's; having been commercial Men, and acquainted with the Interests of the Fishery, the respective Governors granted them a Commission for Justice of the Peace, on their Arrival. The Person who first held the Office of Chief Justice was also the first Naval Officer, which Office he performed without receiving Fees. The first Fee of 2s. 6d. was paid to his Successor, with an Addition of Five Shillings, as stated by Mr. Newman, who did the whole Duty which is now done by the Custom House. The Courts at the Out Ports were held by Surrogates appointed by the Commanding Officer; these Surrogates were always Officers of the British Navy. There were then seldom any Disputes there; but in all Courts, both at St. John's and the Out Ports, Causes were determined according to the Laws of England, with Juries when required. The Commanding Officer usually presided in the Courts, assisted by the other Justices, and determined Causes, so that Confidence and Harmony subsisted between all Descriptions of People. Courts were held seldom, but when held it was with Dignity, and had the good Effect, from the Example of the Judges, to prevent Animosities and Disputes. There were no Fees, consequently no Inducement to produce Litigation for the Purpose of getting Fees. These Regulations were found to have every good Effect, and only wanted the Sanction of the Parliament to have continued them, they being only held by Custom. The Witness is required by the Trade, by whom he is deputed,

to urge to the Committee their Wishes, that all the Customs and Regulations, previous to the 15th of George the Third, may be revived and sanctioned by Parliament. If that were done, the Fishery would again increase.

[Mr. Newman's Evidence respecting the Custom House being read to the Witness, he confirmed the same.]

Then the Witness further informed your Committee, That in the Year 1764 a Mr. Hamilton was appointed a Collector of the Customs; who seeing the little Necessity for such an Appointment, and that the Emoluments intended by Government were so small, he resigned the Appointment; he did not resign it from ill Health, or the disagreeable Climate, as set forth by the present Collector and Comptroller.

The following Year Mr. Durin was appointed Collector, who held it without supposing himself entitled to Fees by any Law whatever, till the passing the Act of the 15th of George the Third.

Previous to the passing that Act, he remembers but One Bankruptcy in the Newfoundland Trade, nor does he believe any other Disaster of that Sort to a Merchant trading from Dartmouth to Newfoundland is recorded. In the Bankruptcy alluded to Mr. Newman, who was lately examined, was the Assignee appointed to this Estate; he had every Assistance from the Sheriff, the Governor of the Island, and all Officers of every Description in the different Courts of Common Law, and of Admiralty, without the Expence of Forty Shillings.

The Witness begged Leave to remark on the Act of the 15th of George the Third:

At the Time that Act was before Parliament, the British Empire was in a total Scene of Confusion; it took Place in the Year 1776; the Year after the People in this Fishery were nearly starved by the Americans withholding the Supply of Biscuit and Flour; the very Year the American Privateers commenced Depredations on the Coast of Newfoundland, and also captured their Ships and Cargoes, which prevented the Traders from petitioning Parliament against the Bill: Such was their Situation, and the Unsafety of their Effects, that the depressed Traders did not come forward with a Petition

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for its Repeal; the Number of Fishing Ships being reduced by Captures, caused the exorbitant Fees demanded by the Custom House Officers not to be so heavily felt; the Trade in this Situation would in the Course of that War have been nearly annihilated, but for the Exertions of the succeeding Commanders of the Squadron on the Station.

While the Fishery depended upon the Laws and Customs previous to the Act of the 15th of George the Third, and subsequent Acts, near 14,000 Fishermen and Seamen from the British Dominions in Europe were Annually employed.

Since the Year 1789 they do not exceed 8,000; before that Time the Fish sent to the Markets was about 950,000 Quintals, which would average about Fifteen Shillings each Quintal.

Since, 700,000 Quintals will not average that Price.

From the Year 1763 to 1775, the Fishery was in this State; from 1763 to 1769 it increased; from 1769 to 1775 it continued nearly in the same increased State.

Since the late War, from 1782 to 1788, it increased; from 1789 to 1792, though Peace, a very great Decrease, as described by Mr. Newman, in Men and Ships, with a greater Decrease of Four Ships from Dartmouth, and Six from Exeter.

The Markets will take a certain Quantity only: Before the Laws of late Years, Matters were determined according to the Laws of England; since that by Laws very oppressive;—before, People's Property was safe; since, it is under continual Attachments;—before, no Fees of Office; since, Fees which amount to Sums beyond the Possibility of any Description.

Before the passing the Act of the 15th of George the Third, and the subsequent Acts, a Fund was found sufficient, by the Methods formerly taken, to provide for a Civil Establishment, which was done by Fines levied for Offences in the Courts of Session; this can be proved by there being a very great Surplus in the latter End of the Season 1785, when it was taken out of the Hands of the Justices, and placed in the Hands of the Sheriff; the Expences of the Roads, and every other Public Expence, had been before paid for the then current Year; and a Surplus of £. 260. 8 s. was paid over to the Admiral's Secretary from the Justice of the Peace; there was
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also a further Sum of about £. 170, which was never accounted for, the Person in whose Possession it was having been robbed of it by Housebreakers.—And being asked, Whether the Fund from the Fines, that he stated, now exist? he said, He supposed it must exist.

With respect to the Clauses in the Act of the 15th of George the Third, he begged Leave to refer to Mr. Newman's Evidence, and further to add, that, with respect to the taking People's Possessions on the Island of Newfoundland, that in War, if a Person should be captured in going to Newfoundland, it adds Calamity to his Misfortune, and will cause an Increase of Residents by the Advantage of Possession.

Respecting the Clause for the Custom House Fees; this Clause seems intended to support the Fishery, it taxes Ships fitted out according to Law, and carrying all Sorts of Goods, with 2 s. 6 d. each, and the same Fee of 2 s. 6 d. at the Return from Newfoundland with the Produce thereof; but that Ships distressing the Fishery by taking away the Supplies intended for its Support, shall be liable to the same Fees, by an Act passed in the 16th of George the Third, as are paid in Halifax. The Payment of Half the Seamen's Wages was regulated by former Acts of Parliament, but in this Fishery it requires some little Alteration—the Fishermen and Seamen from Great Britain, for the Use of their Families, requiring very large Sums to be advanced them in Cash previous to their Departure, and during their Absence.

Respecting Irish Servants, it is different; these People, being generally Strangers to their Employers, cannot expect an Advance in Cash. The Master, being subjected to pay Half the Wages in Bills of Exchange, hath caused also a great Increase of Residents at St. John's: Setting themselves up in Huckster Shops, and getting Licences for Public Houses, it becomes a Receptacle for Servants, who are frequently kept in a State of Idleness and Intoxication, and for the Payment of the Causes thereof are secure by the Bills they are to receive from their Masters; the Servants have generally a running Account open with this Description of People, so that at the End of the Season nothing, but what has been reserved for their Passage Home, is frequently left of their Wages. He remembers, when there was but only One Huckster's Shop, and Twelve Public Houses, each Merchant supplying his own Servants and Dependants, and was paid in the Balance of their Wages at the current Price of the Season.—And being asked, Whether

Whether the Merchants do now supply their Servants to the Extent of Half their Wages? he said, He does not himself, on an Average, supply them to the Amount of a Sixth Part of their Wages, except to Green Men.—And being asked, Why not? he said, Because a great Number are usually supplied by those Hucksters, and he believes not at a cheaper Rate.—And being asked, Why should the Seamen prefer being supplied by the Hucksters to the Merchants? he said, Those Hucksters are generally Irish, and it is the Irish only who apply to them.—And being asked, Whether then there are not British Seamen supplied by the Merchant? he said, They are supplied by their Employers with Money to purchase their Necessaries before they embark; some other little Necessaries, they may want in Newfoundland at the Out Ports, they generally get from their Masters, but at St. John's frequently from those Hucksters, to whom they make Payments by an Indorsement of the Amount, payable out of the Bills they have received from their Masters: All the Seamen are paid before they leave Newfoundland the Amount of their Balance.—And being asked, Does not the Act of the 15th prevent the Merchant from supplying the Men with Goods to more than Half the Amount of their Wages? he said, It does generally, except in Green Men.—And being asked, May not the Hucksters supply them to any Amount with Impunity? he said, They do; he had paid many Thousand Pounds in Bills, which have come from Hucksters in that Way: Hucksters, and People of every Description, that are not immediately employed in the Trade or Fishery, must be considered as Burthens on the Fishery.

With respect to the stopping Forty Shillings for each Man's Passage Home, before this Act was in Force there was a regular Method taken by the Traders, and which provided Freights for their Ships from Europe and back; every Merchant provided a Ship in England to carry out his own Servants, and those of the Bye Boat Keepers with whom he was connected. Ships were prepared also for their Return back; most Merchants had also a Ship each, Yearly to Ireland, for the Purpose of carrying out Fishermen for those Boat Keepers and Residents with whom he was connected, and also prepared a Ship for their Return, the Men always having a Choice to return in what Passengers Ships they pleased; this caused the Proprietors or Owners of Ships to make proper Accommodations, in order to obtain a Preference.—And being asked, Did it not often happen that the Seamen had no Balance remaining from their Wages to pay a Passage? he said, It very frequently happened to Green Men, seldom

seldom to others.—And being asked, Did not the Master in that Case bring the Men Home? he said, Yes; it was usual to provide a Passage for the Men Home; he had often given Men Passages Home in those Cases.—And being asked, How has that Clause of the Act operated to change this Method? he said, He does not apprehend it has made any Change, as no Compulsion was necessary: It is carried into Execution, he believes, generally; Forty Shillings is deducted from their Wages when the Passage amounts to that.—And being asked, Whether it is deducted from the Wages of the Winter Servants? he said, They always are from those in his Service, and he imagines from those in every Body's else's Service, but he has always returned the Money stopped for a Man's Passage Home, whom he has known to be hired as a Winter Servant for those engaged in the Fishery, or who have returned to England as One of the Ship's Crew, or otherwise satisfied the Master of the Ship with whom they returned.—And being asked, Was that the general Practice? he said, He believes it is so from the County of Devon; he knows no Instance to the contrary. The Masters of Ships who bring Passengers consider this Passage Money as their Freight, and without asking the Passenger whether or not, he has the Means of Payment, take down the Master's Name whom he served the last Voyage, and apply for the Payment of the Passage to him in England. The Witness has known Two Instances of Masters, who did not reserve the Passage Money, compelled to pay the Mens Passage by a Magistrate in Dartmouth.—And being asked, Whether it was not then usual for the Master to reserve Forty Shillings, in order to indemnify himself against such Calls? he said, The Two Matters alluded to happened with Two Greep Men, who, from the Spirit of Contradiction, would not go in their Master's Ships, which seldom happens.—Upon the Question being repeated, he said, It is usual to reserve as much as the Passage costs. The Passage Money varies according to the Price of the Season.—And being asked, What was the Average? he said, About Twenty-four Shillings.—And being asked, If the Bill moved last Year had only proposed the current Price of the Passage to be paid for each Man, what Difference would it have made to the Merchant, supposing him now never to make this Deduction from the Mens Wages, excepting with a View to the Payment of the Passages? he said, It would in the First Place take from the Merchants so much Freight as the Ships would make Home from their own Dependants, as the Person appointed to receive it would induce the Men to go in those Ships, the Owners of which were his immediate Dependants, or he would hire Ships of any Class or Description, proper or improper, if he pleased, and sacrifice the Comfort

Comfort of the Servants : So particular has he known the Irish Passengers to be, that in 1783 a Ship belonging to Dartmouth, was lost going from Ireland to Newfoundland with Passengers : In consequence not an Irishman would go as a Passenger in any Ship belonging to that House for some Time after.—And being asked, Was any such Power proposed to be given to the Receiver by that Bill ? he said, He did not recollect any such particular Power, but he is well convinced that any Restraints of this Sort would be utterly objectionable to the Merchants, Boat Keepers, and all the Servants throughout the Fishery, and that it would ultimately in a great Measure tend to its Destruction.—And being asked, Was not every Seaman left by that Bill to chuse his Passage in what Ship he pleased ? he said, He knew nothing to the contrary.—And being asked, Were there not Clauses enacting, that every Passage Ship should be sufficiently supplied with a given Quantity of Provisions ? he said, Yes ; at which he was totally astonished : It cannot be supposed that a Ship waiting for Freight would not be accommodated with that which should preserve its Freight, nor can it be supposed the Master of such Ship would leave Newfoundland in a Situation that he must expect himself to be starved ; which must be the Case with him, as well as his Passengers, if a sufficient Supply of Provisions is not put on Board.—And being asked, Did not the Merchants, on their Construction of the Clause for bringing Home the Men, apprehend the Effects he has stated ? he said, They all did.—And being asked, If a current Price was paid, must not it vary according to the Time the Man was discharged ? he said, He has known the Price of Passages vary Five Shillings or more in the Course of a Week ; that he has a Ship of his own to go, in which the Servants in the District and Neighbourhood would at all Times readily pay Five or Ten Shillings more for their Passage, than in any other Ship of that Neighbourhood : The Number of Irish Passengers at St. John's last Fall proposed to my Agent to give Ten Shillings more for their Passage than the Current Price, if he could conveniently have sent the Ship to Ireland with them.—And being asked, Whether then, if the Current Price was paid to the Receiver on the Discharge of the Men, and no Passage to be got at that Time, how was the Receiver to provide One, if the Price rose ? he said, Out of his own Pocket, he supposed.—And being asked, Whether he thought any Regulation could take Place, which would bring the Men Home at a less Expence, and better secure the Return of the Men to England, and give greater Satisfaction to all Parties ? he said, He knew of no Regulation in this Instance,

stance, or in any other respecting the Newfoundland Fishery, by which it can be put on a better Plan than Custom had brought it to, previous to the Act of the 15th of George the Third.—And being asked, Whether the Number of Residents, from the 10th and 11th of William to the 15th of George the Third, has encreased? he said, Undoubtedly they have encreased.—And being asked, How then did he mean, that the Plan established by Custom was sufficient for the Prevention of that Evil? he said, He does not apprehend it was intended at first to have been prevented altogether.—And being asked, Had the Encrease been greater than can be accounted for by the natural Course of Population? he said, No.

In the Year 1775, Mr. Dunn, being Collector of the Customs, and having seen the Bill to be brought then before Parliament to regulate the Newfoundland Fishery, he observed with great Anxiety, a Reduction of what he thought the Emoluments of his Office, and through the Interest of his Friends procured an additional Salary for himself and the Comptroller, in lieu of Fees, and expressed those Sentiments to the Witnesses at Newfoundland; he told him also, that it would be in his Power to collect Fees from those Ships who should even take on Board Oak Staves for Dunnage, that not being the Produce of Newfoundland. Mr. Dunn's Idea was, and which he expressed to him, that Ships in this Fishery, navigated according to Law, might import Goods for the Purposes of the Fishery, with no further Expence than a Fee of 2 s. 6 d. to the Custom House: And he also considered that Ships which carried nothing off the Island but Fish and Oil were liable also to pay no more than 2 s. 6 d.

That the Witnesses paid himself in the Year 1790 for One Ship which was navigated according to the Act of the 10th and 11th of William the Third, which carried no Goods there but for the Purposes of the Fishery, nor brought any Thing from Newfoundland, but Fish and Oil, and Passengers, £. 14. 17 s.—this Ship took Three Cargoes from Newfoundland that Year; Two to Portugal, and One to Ireland and England: That he paid, for a Sloop of about Sixty Tons Burthen, in the Year 1791, which went from London to Newfoundland, and from thence to Spain, £. 5. 3 s.—she touched at Two Ports in Newfoundland: That he has paid for sundry Ships, which have been fitted out for the Banks, and have first landed Goods at Newfoundland, extraordinary Custom House Fees, which the last Two Years he refused to do, merely that the Matter might be brought to Issue

That

That he presumes to consider a Ship fitted out for Newfoundland, loaded with Necessaries for the Fishery, and having a Fishing Certificate, to be a Fishing Ship: For the Description he referred your Committee to the Act of William the Third; at which Time, and for many Years after, there was no such Thing as a Ship fishing on the Banks; for Fishing Ships were always understood to be those whose Crews were for the Boat Fishery.

That he had once a Conversation at the Admiralty about these Fees, and was interrogated by Lord Howe, respecting the Annual Amount of them; his Answer was, that if the Fees were regulated by Law, according to the Idea of the then Collector and Comptroller, that he would readily farm them for any Period; that the Fishery might exist at its former Extent, at Two thousand a Year.—And being asked, Were any of the Ships alluded to actually employed in the Fishery? he said, Those he alluded to, for which he paid extraordinary Fees, which Fees he has since refused to pay, were Banking Vessels, but the others were not employed in the Fishery.—And being asked, Whether on those last-mentioned Vessels were Fees demanded, on their last clearing out, after they had been Banking, or only before? he said, It is impossible to distinguish; all Houses pay their Fees at the End of the Season, on an Account being sent from the Custom House, which expresses in One Line the Fees of each Ship, without stating for what Particulars.—And being asked, Were the Fees paid for such Ships as large as those paid for Ships that did not Bank at all? he said, The Custom House Officers say they receive only Half Fees.—And being asked, to what Court could the Merchant apply in Newfoundland, if he thought himself aggrieved by the Overcharge of Custom House Fees? he said, To the Court of Vice Admiralty. With respect to the Court of Vice Admiralty, that Court, by the Act of the 15th of the present King, was authorized to hear and determine Forfeitures incurred in Newfoundland; which Authority was again taken away by the 26th of the present King, on an Application from the Trade, which proceeded from the then Judge of Vice Admiralty imposing improper Fees, particularly on the Servants and the lower Class of People: Half a Guinea, for Instance, was charged instead of Half a Crown for a common Summons; and the Witness has been told, that his Charges have been frequently to the Amount of £. 20 and upwards, on Matters which in a Court of Common Law could not have cost Forty Shillings: And the Trade beg Leave to state, that any Person holding the Office of Judge of the Vice Admiralty is a proper Person to be appointed as Magistrate.

Mr.

Mr. JOHN THOMEY being called in and examined, said, That he was lately a Merchant carrying on Trade and Fishery from Great Britain to the Island of Newfoundland, but is now an Agent for the Assignees to his Estate and Effects; and begged Leave to deliver in to your Committee the Account which he received from the Sheriff of St. John's, which he has dissected, to shew at One View the enormous Charges made by the Sheriff, the Frauds he committed, and the Loss the Estate sustained from his Mismanagement, by which it will appear that the Charges amounted to £. 574. 6 s. 4 d. the Frauds to £. 339. 11 s. 7 d. and the Loss by Mismanagement to £. 1,715. 4 s. 5 d.; and all these Sums fell on Effects, the neat Proceeds of which were only £. 4,237. 4 s. 10 d.: And he begged Leave to state to your Committee, that, in September last, he presented a Memorial to John Reeves, Esquire, setting forth that he could not prevail on the Sheriff to give him any Account whatever of the Effects sold; and prayed that an Order might be given to the Sheriff to render to the Witness a true Statement of the same: He also prayed, that Two Writs of Execution, which he, the Witness, had obtained the preceding Year, and for which he paid Fees to the Court £. 54. 15 s. 6 d. might go forth in Execution, against the Debtors to the Estate. The Judge ordered an Account to be made out by the Sheriff; and informed the Witness that, unless he would take out new Writs, no Attachment should take Place. The Sheriff did not deliver in his Account till the Third of November, when there was no Person in Newfoundland that could take Cognizance of the Business, the Judge having left the Island. The Witness therefore could only state by Letter to Mr. Reeves how cruelly he had been treated, to which Letters he has never been favoured with a Reply. And the Witness begged Leave further to state, that, as the Judge would not suffer the Writs to go to Effects, for which he had paid Fees to the Court the preceding Year to the Amount of £. 54. 15 s. 6 d. he declined taking any new Ones out, thinking the Expences of the Writs, and the Sheriff's Charges for Attachments, would eat up the Whole that might be attached. The Particulars of the Case are stated, to shew to the Committee the Loss sustained, and the Necessity there is for a Table of Fees to be in any future Act of Parliament that may be passed relative to the Judicature of the Island of Newfoundland; also, that an Appeal should be to the Courts in England. All these Proceedings commenced in the Court of Civil Jurisdiction 1791.

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As

Mr.

As to the Trade and Fishery of Newfoundland, the Witness begs to refer to the Representations made by Mr. Newman and Mr. Ougier, who have the Sentiments of the Trade of Bristol on the Subject.

Then the Witness delivered into your Committee the said Account, together with an Extract therefrom, which are as follow.

the Witnefs
Newman
of Bristol

the faid
ch are as

D ^r .		C ^r .	
1791.			
Nov. 17.	To paid Thomas Ru		
18.	Paid John Thomas	177	1 8
19.	John M ^c Kie, p	176	— 10
	Martin Davron,	354	3 4
	49 Sets of Exch	364	11 8
	Esq. for St	364	11 8
	Maurice Walfh	364	11 8
	John Meaning	144	10 —
28.	2 Sets of Exch ^{ces} S. Wages	563	6 8
	4 D ^o —		
Decem. 12.	4 D ^o —	216	12 —
	8 D ^o —	96	15 —
	6 D ^o —	210	— —
	John Hartery H.	1,253	15 10
	John Mearnon	41	4 6
	4 D ^o S ^o for Ser		
	1 Set Exchange		
	1 D ^o —		
	1 D ^o —		
	1 D ^o —		
	1 D ^o —		
	1 D ^o — paid C		
	2 Sets Exchange		
	1 D ^o —		
	1 D ^o —		
	So much paid —		
	So much paid —		
	D ^o — —		
	1		
	So much paid Rich ^d		
	D ^o — Capt. V		
	So much paid Lionel		
	D ^o — John R from P. G ^r C		
		£.	4,327 4 10

4,327 4 10

£. 4,327 4 10

The ESTATE of JOHN THOMEY and C^s, in Account v

D ^r .							1791.	
1791.	Nov. 17.	To paid Thomas Russell	—	—	—	23	14	—
	18.	Paid John Thomas's Passage	—	—	—	2	—	—
	19.	John M ^c Kie, paid him	—	—	—	10	—	—
		Martin Davron, paid him	—	—	—	4	—	—
		49 Sets of Exchange sent Charles Garland, Esq. for Servants Wages	—	—	—	537	14	—
		Maurice Walsh, paid him	—	—	—	4	—	—
		John Meaning	—	—	—	13	16	10
	28.	2 Sets of Exchange sent C. Garland, for S. Wages	—	—	—	40	17	6
		4 D ^r — — for Passages to Ireland	—	—	—	200	—	—
		4 D ^r — — — D ^r —	—	—	—	34	—	—
	Decem. 12.	8 D ^r — — for Servants Wages	—	—	—	205	1	6
		6 D ^r — — — D ^r —	—	—	—	60	—	—
		John Hartery	—	—	—	14	—	—
		John Mearnon	—	—	—	13	—	—
		4 D ^r S ^r s for Servants	—	—	—	15	—	6
		1 Set Exchange, paid James O'Donald	—	—	—	16	15	—
		1 D ^r — — — Patrick Phelan	—	—	—	12	8	9
		1 D ^r — — — Jane Cook, Rent	—	—	—	5	2	—
		1 D ^r — — — John Moore, Doctor	—	—	—	5	—	7
		1 D ^r — — — John Costells	—	—	—	20	—	—
		1 D ^r — paid Charles Garland, for Passages	—	—	—	26	—	—
		2 Sets Exchange, paid Hart and Eppes	—	—	—	540	4	3½
		1 D ^r — — — Alex ^r Cormack	—	—	—	99	4	9
		1 D ^r — — — Adam M ^c Gashand	—	—	—	183	5	—
		So much paid — Custom House	—	—	—	89	10	—
		So much paid — Edward Elmes	—	—	—	44	1	—
		D ^r — — George and Rob ^t Rofs	—	—	—	27	—	8
		Richard Ried	—	—	—	15	6	3
		So much paid Rich ^d Valentine	—	—	—	90	9	2
		D ^r — Capt. Watson, in Part of his Debt	—	—	—	800	—	—
		So much paid Lionel Chancey, for Fees	—	—	—	8	13	4
		D ^r — John Roberts, for Hire of a Skiff from P. G ^t Cove to H. Grace	—	—	—	1	7	—

EY and C^o, in Account with HENRY PHILLIPS, Sheriff.

C^o.

1791.	By Rich ^d Valentine, —	Q ^{ts} . 250 Fish, a. 14/2 —	177 1 8
.	William Danfon,	250 D ^o — 14/1 —	176 — 10
.	D ^o — — —	500 D ^o — 14/2 —	354 3 4
.	D ^o — — —	500 — 14/7 —	364 11 8
.	D ^o — — —	500 — — —	364 11 8
.	D ^o — — —	500 — — —	364 11 8
.	D ^o — — —	204 — 14/2 —	144 10 —
.	Hugh Rowe and Son, 1,200 a. different Prices		563 6 8
		3,904 Q ^{ts} .	
	William Danfon,	456 — 9/6 —	216 12 —
	William Henderfon,	215 — 9/ —	96 15 —
	William Danfon, for $\frac{1}{2}$ the Friendship	— — —	210 — —
Decem. 24.	Net Proceeds of sundry Goods sold at H.		
	Grace — — —		1,253 15 10
	Difference in Irish Exchange — —		41 4 6
			4,327 4 10

£. 4,327 4 10

D ^r .		C ^r .	
So much paid Capt	—	—	£. 4,327 4 10
D ^r — Hu	—	—	— — —
D ^r — Jofe			
D ^r — for			
Sundry Writs and			
Commiffion on Sale			
of C.			
Guaranteeing £. 3,6			
Paid Philip Ryan's			
Paid Custom Houfe			
44 Days Ba			
Friendf			
Cafh paid for remo			
Gaurd and C ^o			
So much paid O'Br			
Irifh Bill —			
So much paid B.			
fions on Englifh			
Amount of fund			
Eftate —			
Timothy Gearing's			
Alexander Newbur			
To fo much paid I			
Paid Jofeph Low			
Trouble for fell			
Grace —			
Paid John Afh, by			
Paid for Three Ex			
		£.	4,327 4 10
—	39 12 2½		
To paid George a	15 7 9		
To paid Michael I	62 4 1		
		117 4 —½	

PHILLIPS, Sheriff.

N^o 1.

CHARGES

The ESTATE of JOHN T

D^r.

So much paid Capt. Watfon, Balance of Ac. —	196	18
D ^r — Hugh Reeve and Son, Balance of their Ac. —	188	3
D ^r — Joseph Bower, Balance of Ac. —	205	16
D ^r — for appraising and delivering 4,575 Qls. Fish, and collecting £. 2,452. 8. 3, the Amount of said Fish —	42	1
Sundry Writs and Executions —	54	15
Commission on Sales, for £. 4,286. — 4, a. 2½ p ^r C. —	107	3
Guaranteeing £. 3,626. 8. 4½, a. £. 5. p ^r C. —	181	6
Paid Philip Ryan's Wages —	5	11
Paid Custom House, for Brig Friendship, Fees 44 Days Bailiff's Attendance on Brig Friendship —	2	12
Cash paid for removing D ^r , unbending her Sails, Gaurd and C ^o —	11	—
So much paid O'Brien and Hunt, Commission on Irish Bill —	3	16
So much paid B. Short and Collyns, Commissions on English Bills —	6	17
Amount of sundry Executions against your Estate —	5	1
Timothy Gearing's Passage and Stock —	52	19
Alexander Newbury's Coffin —	3	5
To so much paid Luke Maddock —	—	13
Paid Joseph Lowman, for his Expences and Trouble for selling the Property at Harbour Grace —	25	14
Paid John Ash, by Order of the Chief Justice —	17	10
Paid for Three Expresses to Harbour Grace —	8	8
Balance —	6	6
To paid George and Thomas Kough —	45	14
To paid Michael Forhan —	71	9

STATE of JOHN THOMEY and C^o, in Account with HENRY PHILLIPS, Sheriff.

			C ^o .		
Balance of Ac. —	196	18 4	By Amount brought over — —	—	£. 4,327 4 10
and Son, Balance of —	188	3 6	Balance — —	—	— — —
Balance of Ac. —	205	16 10			
and delivering					
fish, and collecting					
3, the Amount	42	1 3			
— — —	54	15 6			
186. — 4, a. 2½	107	3 —			
a. £. 5. 4 ^o C.	181	6 5			
— — —	5	11 —			
Friendship, Fees	2	12 6			
Endance on Brig	11	— —			
ending her Sails,	3	16 6			
nt, Commiffion on	6	17 7			
Collyns, Commif-	5	1 —			
ons againft your	52	19 6			
d Stock — —	3	5 —			
— — —	—	13 6			
ock — — —	25	14 3			
his Expences and					
roperty at Harbour	17	10 —			
the Chief Justice	8	8 10			
Harbour Grace —	6	6 —			
— — —		4,287 12 7½			
		39 12 2½			
	£.	4,327 4 10			
Kough — —	45	14 9	By Balance — — —	39 12 2½	£. 4,327 4 10
— — —	71	9 3½	By Michael Cafey — — —	15 7 9	
		£. 117 4 —½	Balance due — — —	62 4 1	117 4 —½

St. John's Newfoundland,
3d Nov. 1792.

(Errors excepted)

H. PHILLIPS, Sheriff.

CHARGES



CHARGES made by the Sheriff of St. John's, in Newfoundland, in a Matter of Bankruptcy, in 1791 and 1792.

Paid for appraising Goods	—	—	£. 42	1	3
Writs and Executions	—		54	15	4
Commission on Sales, £. 4,286. 4. 4.	—	—	107	3	—
at 2½ p ^{er} C ^t			181	6	5

N. B. The Goods were sold by public Auction, with an express Condition, that the Purchasers should give Bills, with unexceptionable Indorsers, which was done.

Paid for 44 Days Bailiff's Attendance	—	£. 11	—	2	
for Executions	—		52	19	6
for selling Property	—	—	17	10	—
Paid a Constable, p ^{er} Ord ^r of Judge Reeves	—	—	8	8	10
Paid for Expresses	—	—	6	6	—
Paid Deputy Sheriff, Constables, and Auctioneers	—	—	92	16	3

574 6 4

ERRORS

ERRORS in Sheriff's Accⁿ, and for which he refused to
account for.

So much said to be paid to the Custom House, and to Hart and Eppies	—	—	£. 89 10 —
D ^r Richard Reed	—	—	15 16 3
Hugh Rowe and Son	—	—	42 5 4
Rec ^d of John Thomey, but not Credited	—	—	54 15 4
John Kiffernan	—	—	5 — —
Error in casting up Acc ⁿ	—	—	10 4 8
The Difference between the Money stop- ped to pay Passages of Servants, and the Money the Sheriff paid for Pas- sages in 1791	—	—	122 — —
			<u>£. 339 11 7</u>

The

The STATEMENT of the Loss sustained to the Estate by the Sheriff selling the Goods for the Fishery, at a Time when the Fishery was over, and the People gone to England, &c.

The Goods which were then sold, agreeable to Inventory, were valued, before the Attachment took Place, and after the Bankruptcy happened, at £. 3,069 — 3

The Neat Proceeds of these Goods, when sold by the Sheriff, amounted to but — — — 1,353 15 10

The Loss incurred — £. 1,715 4 5

N. B. The whole Amount of the Effects of this Bankruptcy, on which there have been such Charges, Frauds, and Mismanagement, was but £. 4,237. 4. 10.

And the Witness being further examined, was asked, How long he had carried on the Trade? who said, Eighteen Years.— And being asked, Was the Failure of his Concern (in his own Opinion) occasioned by the general Decline of the Trade? he said, He thought it did.— And being asked, Was less Fish caught? he said, Yes, in our Bay.— And being asked, Was less Fish sold? he said, He could not tell.— And being asked, Did he ever know the Custom House Officers sit as Justices of the Peace in any Case where their Fees or the Revenue itself was concerned? he said, He could not recollect.— And being asked, Whether he meant to enter the Trade again? he said, He does.— And being asked, Whether his Concern at Newfoundland was not solvent

I. P when

when his Partner broke at Bristol? he said, He thought it was, but it did not turn out so.—And being asked, Were not the Effects sufficient to pay all the Newfoundland Creditors? he said, They were.—And being asked, How then had it been a losing Trade? he said, There was enough to pay the Creditors in Newfoundland, but not those in England.—And being asked, Why then did he mean to return to a losing Trade? he said, In Hopes the Fishery may prove better in future.—And being asked, Did he enter into the Trade with any Capital of his own? he said, His Partner had a Capital of Four or Five thousand Pounds, and he had about Three hundred Pounds when he entered with him; his Partner was concerned in some other Trade.—And being asked, Was that other Trade a losing One? he said, He believes not.



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